NATIONAL MUNICIPAL REVIEW

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EDITORIAL COMMENT

Consolidation of the tax assessment and collection department of the city of Sacramento with that of the county is being discussed as a method of economy by the new municipal council which assumed control this month. The new council was elected last November under a pledge to appoint a new city manager to succeed Manager H. C. Bottorff at a reduced salary. The Civic League opposed the reduction of salary and the change in the manager's office, but were out-voted by those who supported the People's Ticket.

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Samuel S. Wyer, in a report on the Fundamentals of Our Fertilizer Problem, discovers that 165,000 tons of nitrogen could have been saved and the unnecessary smoke nuisance eliminated by substituting entirely by-product coke for raw bituminous coal used in homes in the year 1926. The unorganic nitrogen consumed in the United States during that year totalled 324,000 tons. As is well known, nitrogen convertible into fertilizer is derived from coal distilled in making the coal-gas or by-product coke. In 1926, 150,000 tons were recovered in this manner.

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It is with sorrow that we are compelled to announce the death of Nathan Matthews, four times mayor of Boston, who died on December 11 in the seventy-fourth year of his age. Mr. Matthews was known nationally, not only for his service as mayor of Boston but for his work on the Boston Finance Commission and his service on many public boards and commissions. He was the author of "The City Government of Boston" and "Municipal Charters," as well as of many magazine articles on political and legal subjects. He contributed from time to time to the NATIONAL MUNICIPAL REVIEW, and whatever he said was always important and helpful.

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The problem of the government of metropolitan areas presses more and more for consideration and calls for the highest inventive genius. After several unsuccessful attempts at annexation, the municipalities of Greater Cleveland are now discussing a borough plan of government for the area. Extensive studies are now being prosecuted to determine how this may best be secured.

Montreal also seems to be making headway towards the adoption of a common government for the Montreal region. At present the trend is towards the borough plan. J. A. A. Leclair, ex-mayor of Verdun, has proposed that the area be organized into ten or twelve boroughs each with a council and mayor of its own for the administration of local affairs. Over the entire area there would be a metro-

politan council chosen by the component boroughs with a lord mayor elected by the members of the borough councils. Mayor Leclair praises the London system and terms the New York City government too autocratic. Curiously enough, these kind words for the London plan come at a time when it is under serious attack from English observers.

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On December 6 Tampa, Florida, voted to abandon city manager government in favor of the aldermanic form. This makes the sixth city to discard a manager charter drafted and adopted by the people under home rule powers.

Although not at this moment in possession of all the details, it appears that the effort to change the charter has been going on for some time. Last May a bill was hastily passed through the legislature providing commission government for the city and making it optional for the commission to hire a manager if they desired. The manager plan if continued at all, would thus have become merely a matter of ordinance. This charter, however, had a referendum provision attached, and it was voted down by the citizens on July 12. Subsequently a new charter commission prepared a "representative government plan" (more properly the aldermanic-mayor plan) which was accepted by the people.

The effect of the new charter is to concentrate considerable power in the hands of a mayor, elected at large at a salary of $10,000 per year. Twelve councilmen elected from districts are to receive $600 per year.

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Federal Investigation of Electric Power

Among the several investigations which will probably be ordered by the United States Senate, is an inquiry proposed by Senator Thomas J. Walsh of Montana into the organization, financing, production and distribution of electric power, especially in so far as these matters come within the field of interstate commerce.

The chief purpose of the resolution is to show not only the tremendous scope of holding company organization in the electric business, but its effect upon valuation, service and rates. It would establish the fact concretely,—if it is a fact,—that the methods of financing the successive consolidations which have brought a large proportion of the electric properties under the control of a few huge holding company groups have prevented, to a large extent, the passing of the economies realized on to the consumers. The claim has often been made that the prices paid for old properties have been excessive and that the reorganizations have been predicated in most instances upon high reproduction cost, so that the savings effected through the consolidations and the efficiency of centralized management are absorbed by the fixed charges imposed upon the system, with little or no benefit to the consumers. No concrete investigation of the facts has ever been made, and Senator Walsh's inquiry would greatly illuminate a situation which may not be so dark as commonly supposed.

The investigation will have importance also in bringing out the essential facts relative to the best policy to be pursued in the Muscle Shoals and Boulder Dam projects. That these properties must be developed and the benefits made available to the public at large is assumed by everybody. Whether they should be turned over to private capital under public contracts and control, or whether they should be developed directly under public ownership and operation is a question of policy which requires the consideration of many facts lightly passed over by the proponents of both sides. It is

certain, however, that all essential facts and conditions will be rigorously gone into by Senator Walsh without regard to the policy which the results may tend to support. We shall follow the inquiry with unusual interest and report developments in later numbers of the REVIEW.

J. B.

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Strikes in Public Utilities.

One of the moot questions repeatedly before the public is how to deal properly with public utility strikes and lock-outs. During the past summer a tie-up of the Interborough Rapid Transit system in New York City was narrowly averted by the intervention of Mayor James J. Walker, but at the moment of writing it is again a lively possibility for the near future. How can such a situation be reasonably treated?

Such interruptions of utilities are sufficiently frequent as to constitute a major problem. Unfortunately little has been done to develop far-reaching policies. What is the best public course in dealing with labor conditions in all such fundamental industries? How can strikes and lock-outs be prevented? What machinery is necessary for adjustment of disputes? What legislative regulation should be provided to maintain proper standards of wages, hours and conditions of labor?

A recent study by the Russell Sage Foundation prepared by Mr. Ben M. Selekman throws considerable light upon considerations of policy. It is entitled, Postponing Strikes: A Study of the Industrial Disputes Investigation Act of Canada. This law, enacted in 1907 and modified but slightly since, has been tested by the experience of twenty years, and should, therefore, furnish much data upon the prevention and adjustment of industrial disputes. It is primarily an act for mediation, and applies particularly to public utilities, railroads, coal and all such industries as are closely identified with public utilities. It provides for a suspension of strikes or lock-outs during a period of investigation conducted under the department of labor. The investigation is made by a "mediation board" consisting of a representative appointed by labor, one by the employers, and the third by the two or by the department of labor. The board investigates the facts in an informal way, and prepares a report with recommendations. These findings, however, have no compulsory force. After the report is made, either side is free to proceed as it pleases.

Mr. Selekman's study presents an analysis of the act, describes the administrative machinery, and analyzes the disputes that have arisen since the provisions have been in force. The act has by no means succeeded in preventing strikes, but it has brought about mediation in a large number of cases which otherwise would doubtless have resulted in costly disputes. Nevertheless, there have been many strikes in which the act and its machinery were disregarded altogether.

The Canadian act has undoubtedly provided very useful industrial machinery for mediation and in many instances has brought contending groups together in successful termination of disputes. Whether it furnishes a model for American action is, of course, difficult to state. The prevention of strikes ultimately depends upon the establishment of proper standards of employment. The act makes no direct provision for formulating and establishing better standards of labor, or for providing a constant adjustment in the industries so that labor will have little cause for strikes. This is the preventive aspect which needs particular consideration.

J. B.

The City Manager in Election Campaigns

As Dr. White points out in his book, *The City Manager*, the consensus of opinion of those in the profession is that the manager should remain behind the political scene. True, not all managers have accepted this theory of exclusion, and still others have demonstrated in practice a belief that the manager belongs out in front, prompting the political actors who forget or stammer their lines and occasionally taking part in the dialogue with all the eloquence he may possess.

Nevertheless, the pure theory of the plan condemns the manager to be content with his "administrative functions"; because he is a professional, non-political official, he is to renounce any inclination to political leadership. Otherwise he becomes identified with policies and politics to which it is the peculiar duty of the council to attend, and when the people turn against a council whose policies are no longer approved, the manager falls with the politicians.

The pure theory of the manager's office thus renders him less a crusader and more a workaday chief of operations. Yet many managers have felt it their mission to bring about radical improvements in the city government, an attitude naturally encouraged by the deplorable state of affairs often encountered by the new manager of a city which has just adopted the plan. Sometimes they conceive themselves as possessed of many of the duties and obligations of a strong mayor. No permanent official in an English municipality feels such an onus of responsibility; his post is much more prosaic and, it may be added, more secure. But with us, most managers find themselves occupying the center of the stage even if they are not strong evangelical natures.

Has this position of the manager been of his own making? Perhaps the manager, irrespective of his wishes, must "get out in front" because he can't help himself. Perhaps the people, conscious of his broad powers under the charter, demand that he be a Napoleon. Perhaps it is a sound instinct which guides them to go directly to the man who controls the administration and manages the council.

The situation is well illustrated in the last elections in Cleveland and Cincinnati, described in this issue by Mr. Huus and Mr. Henderson. In Cleveland, where a proposal to abolish the manager plan was before the voters, the slogan was "Keep Hopkins." During the campaign Manager Hopkins was a familiar figure on political platforms. More than any other manager in the country, he has grasped the rôle of civic leader. He is what optimists used to hope for in the elected mayor.

But in Colonel Sherrill, Cincinnati has a manager of another type, a man who by his own profession desires to remain an operating head and the agent, not the master, of the council. In Mayor Seasongood, Cincinnati possesses a leader sufficiently strong and competent to supply the political guidance necessary in a large city, and the combination of Seasongood and Sherrill has been considered as ideal for the success of manager government in accordance with specifications. Yet in the recent councilmanic election all candidates, charter and organization alike, ran on a platform of "Support Sherrill." The very importance of his job and the success which has attended it irresistibly injected his personality into the campaign.

The above considerations will have a strong bearing upon the evolution of city managership as a profession.

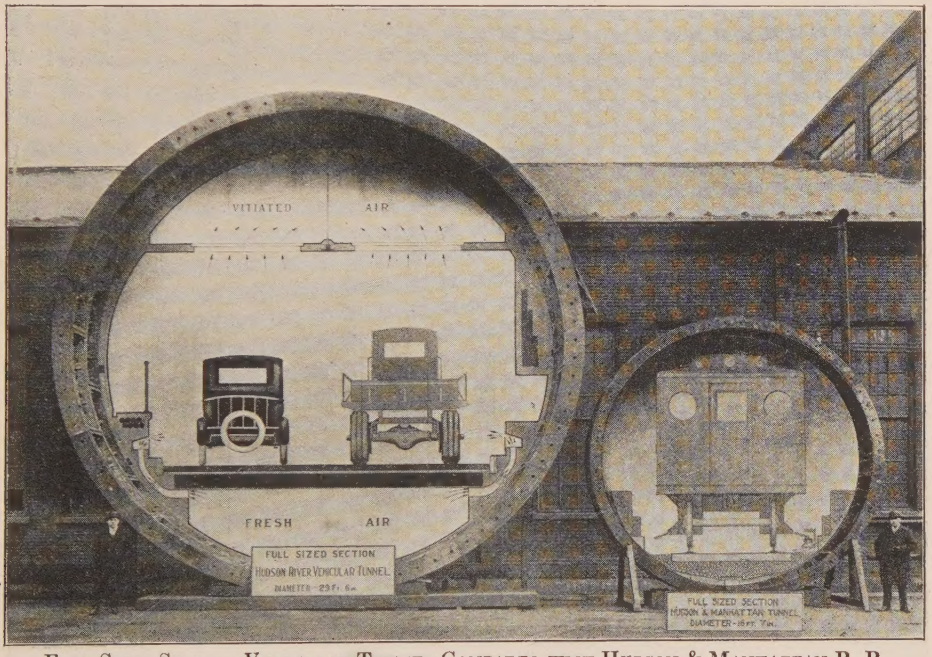
THE HOLLAND TUNNEL—AN ENGINEERING ACHIEVEMENT

A NEW BOND UNITING THE NEW YORK REGION

THE Holland Tunnel, officially opened on November 12 and providing vehicular communication under the Hudson River between New York and Jersey City, is a small promise of what we may expect in the future to expedite us in getting from where we are to where we want to go. It consists of two tubes, the north to accommodate west-bound traffic from the New York entrance plaza and the south tube serving east-bound traffic from the western entrance plaza in New Jersey. On each side of the river the entrance and the exit are located two blocks apart, to prevent traffic congestion in the city streets.

The roadway in each tube averages 20 feet in width, permitting two lanes of traffic. Maximum speed is 30 miles per hour, and vehicles must keep 75 feet apart. Almost 2,000 vehicles an hour can pass through each tube. In the first twenty-four hours of its operation, 51,748 vehicles made use of the tunnel.

Among the novel engineering problems involved in the construction and operation of this underground passage were those of ventilation and lighting. Extensive experiments were performed to determine the amount and composition of the exhaust gases from automobiles and their effect upon human beings. As a consequence a ventilation system has been established by

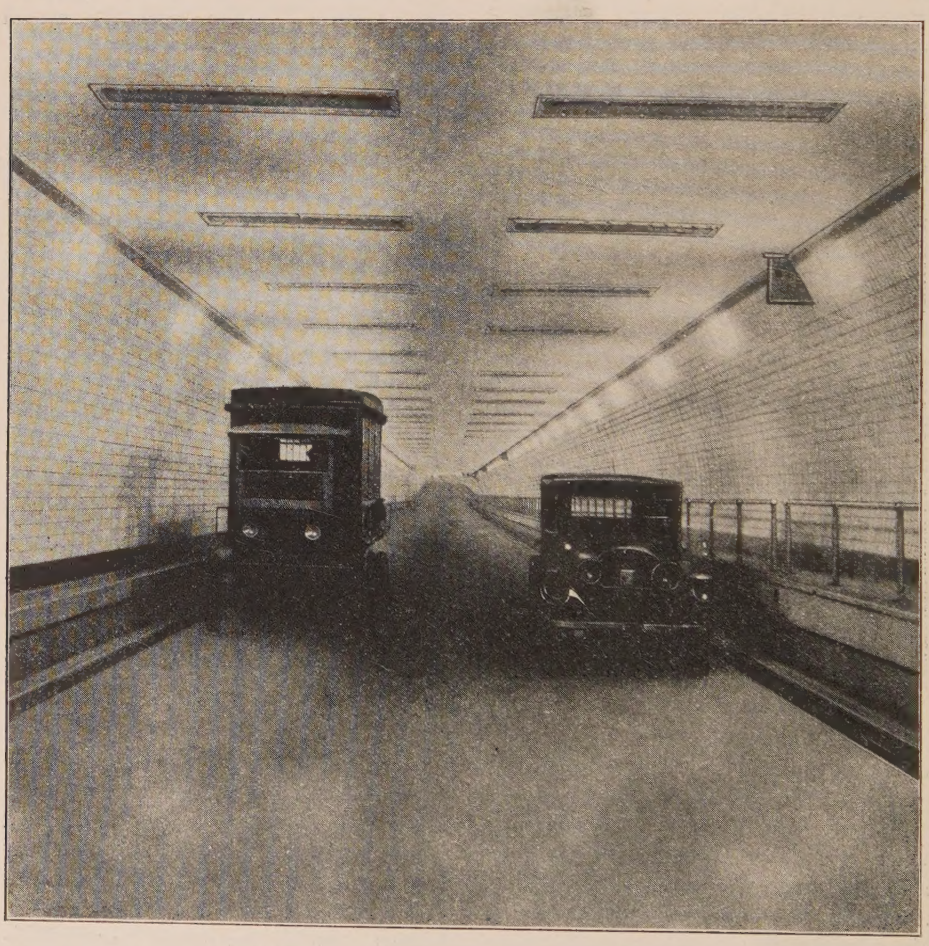


FULL-SIZED SECTION VEHICULAR TUNNEL COMPARED WITH HUDSON & MANHATTAN R. R. TUNNEL

which the air in the entire tunnel can be changed in a little less than one and one-half minutes. Fresh air is supplied along the roadway and the foul air is carried off through the ceiling. It is believed that failure of the air supply is impossible under any conceivable condition.

From the first it was recognized that successful operation would depend upon lighting the interior to approximate daylight. There must be no sudden strain upon the eyes of the driver coming suddenly from full daylight into the subterranean passage, no glare upon leaving it. Sharp shadows must be eliminated and the eye of the driver protected against bright lights when in transit. Artificial daylight has been attained by lights that will not go out. An essential part of the scheme are the white tiles that line the tunnel walls. As one enthusiastic visitor exclaimed, "This does not seem like a tunnel; it looks like a Childs' restaurant."

The total cost of construction was $48,000,000, to be amortized by fees received from vehicles passing through.



Interior of Tunnel Showing Tile Walls

THIRTY-THIRD ANNUAL MEETING OF THE NATIONAL MUNICIPAL LEAGUE

BY RUSSELL RAMSEY

Director, Taxpayers' Research League of Delaware

The spirit of the occasion described for those who did not attend.

It would be a doubtful compliment —and one of questionable veracity— to call the Thirty-Third Annual Meeting of the National Municipal League unusual. That it was entirely satisfactory in all its features, and that it measured up to the high standard set by the League in previous gatherings of the kind, is sufficient commendation, and is quite in accord with the truth. The coöperation of the Governmental Research Conference and the National Association of Civic Secretaries, which met in individual sessions on Wednesday, November 9, but joined with the League on November 10 and 11, contributed materially to the success of the occasion.

Were it not that Francis Oakey says that questionnaires are seldom understood, that the answers are not always given correctly, and that correct answers are sometimes misunderstood by the man who receives them, it might be interesting to attempt to ascertain by questionnaire what benefits those who attend the annual meetings of the League feel they receive beyond those that might be derived from reading the papers afterwards in the Review.

On second thought, the answer is so obvious that a questionnaire is quite unnecessary.

The coveted privilege of meeting old friends and acquiring new ones, the spontaneous uprising of many incidental questions and discussions, the occasion to exchange experiences with those engaged professionally or otherwise in civic work, and the opportunity for informal round-table discussion of the papers on the program—these are some of the satisfactions and stimuli that make the League's annual gatherings an oasis for those who are striving for the fulfillment of democracy.

A THREE-RING SHOW

If any one feature of the recent meeting is outstanding, perhaps it is the round-table method of discussion already referred to—a method that was used consistently and most successfully throughout the program. The papers, sometimes brilliant and always highly informative, provided a rich intellectual pasture in which to feed. The round-table discussions which followed the reading of the papers (usually one paper at each session) furnished a much needed and satisfying opportunity, venturing a homely parallel, to "chew our cud."

For historical purposes, it may as well be recorded at this point that the meeting of the League was held on November 10 and 11, 1927, in the beautiful and ample building which houses The Association of the Bar, at 42 West Forty-Fourth Street, New York, except for the luncheon session on Friday, the 11th, which filled to overflowing the Library of the New York City Club across the street.

So generous were the builders of the program, that it had to follow literally the mechanics of a three-ring circus. That is to say, at each morning and

afternoon session on each day there were in simultaneous session in different rooms three round tables considering different subjects. I had occasion four times in the two days to wish that I were triplets. Some ingenious persons announced the intention of moving from one round table to another during the sessions, in order to obtain a general benefit from each. Usually they found the one they started with so interesting that they remained in it to the end.

Having confessed my lack of omnipresence, I realize I have admitted my inability to tell adequately the story of those round tables which I had not the pleasure of attending. I do not know which were the most popular, but that probably makes no difference. Nor should I venture to estimate their relative importance; that presumably is a matter of individual opinion and interest. I am impressed with the fact, however, that four of the twelve round tables were devoted to budget questions, and two to other financial subjects, so that half the time of the meeting was occupied with problems of public finance. Probably no one would criticize this distribution as being disproportionate, for after all the matter of finance permeates all public activities. Two other round tables were devoted to crime (readers of the NATIONAL MUNICIPAL REVIEW are intelligent enough not to misunderstand the meaning of this statement), two to college training, one to the molding of public opinion, and one to non-voting.

SUBJECTS OF PAPERS

At Thursday morning's opening round table on budget procedure three papers were presented—Transfers of Itemized Items, by George M. Link, secretary of the Board of Estimate and Taxation, of Minneapolis; Preventing Over-Expenditure of Appropriations, by Joseph O'C. McCusker, budget accountant for the state of Maryland; Control of Salaries Where Standardization Is Lacking, by Charles J. Fox, budget commissioner of the city of Boston.

At the two other round tables on Thursday morning, papers were read on Special Assessments, by Philip H. Cornick, of the New York Bureau of Municipal Research, and on Popular Misconceptions Regarding Crime, by Raymond Moley, of Columbia University.

At the afternoon session on Thursday, the three round tables were occupied by the presentation and discussion of papers on The Scope and Form of the Budget Document, by H. P. Seidemann, of the Institute for Government Research, Washington, D. C.; State Supervision of Local Finances, by Philip Zoercher, of the Indiana State Board of Tax Commissioners; and What Makes Public Opinion? by Harry A. Overstreet.

On Friday morning the budget round table continued with a presentation of the tentative provisions of the proposed Model Budget Law of the National Municipal League. These provisions were explained by C. E. Rightor, of the Detroit Bureau of Governmental Research.

The second round table on Friday morning considered a paper by Bruce Smith, of the National Institute of Public Administration, on A Municipal Program for Combating Crime, while at the third were presented papers on The Case Method of Instruction in Municipal Government, by A. C. Hanford, of Harvard University, and Utilizing the City for Laboratory Work in College Classes, by O. Garfield Jones, of Toledo University.

The final series of round tables on Friday afternoon offered papers on

Executive Allotments as a Means of Budget Control, by Henry Burke, assistant budget director of North Carolina; Is the Large Slacker Vote a Menace? by Prof. W. B. Munro, of Harvard University; and University Training for Public Service, by Samuel C. May, of the University of California.

THE BUSINESS MEETING AND AFTERWARDS

The one exception to the round-table rule was the luncheon session on Friday, which constituted the annual business meeting of the League, where the table was more in the fashion of a horseshoe, bringing us by way of good luck the opportunity, in small groups, to pursue discussions unfinished at round-table sessions, and to venture into many and intimate subjects unassigned on the program. The business events of the session have, I believe, been already reported. The outstanding event of this session was the presentation of brief reports from members of those round tables which had concluded their sessions.

This bare recital of the titles and authors of the various papers must be most unsatisfactory. Even a close reading of the Proceedings as published by the Governmental Research Conference will not reproduce the atmosphere of discussion which,—in the give-and-take of question, answer, and comment, usually penetrated to the heart of the subject in hand,—must be stored up only in the memories of the participants.

If I may be permitted to modify my opening statement, perhaps the consistent use of the round-table method did mark the Thirty-Third Annual Meeting of the League as unique. It so thoroughly justified itself that it will create in those fortunate enough to have been present a keen anticipation of the Thirty-Fourth. If to others it brings a realization of having missed something worth while, they may be consoled with the prospect of another year.

THE DEFEAT OF THE WESTCHESTER COUNTY CHARTER

BY LAURENCE ARNOLD TANZER

For a second time the voters refused to desert their ancient form of county government. :: :: :: :: :: :: :: ::

THE proposed new charter for Westchester County, New York, defeated at the election on November 8, 1927, was the third charter proposal to be submitted.

The first draft, prepared by a non-partisan commission, was defeated in the referendum vote at the election of 1925 by a majority of 5,000. It proposed to substitute for the present form of government a board of supervisors of forty-one members and an executive consisting of a county president, a county vice-president, and a commissioner of finance, who together were to constitute the board of estimate and apportionment, leaving the board of supervisors vested with legislative, but not executive powers. Another bill, passed by the legislature in the follow-

ing year, was vetoed by Governor Smith because of its failure to provide flexibility of administration, its failure to give any protection against changes by the legislature in the charter after its adoption by the voters, and because it provided for the election of the first county officers at the time of the presidential election of 1928.

The third proposal represented an effort on the part of the Republican organization in control of the county to remove some of the grounds of objection to the former drafts. It gave the board of supervisors power to create new departments and to consolidate departments. It also restored the power of the board of supervisors over salary items in the budget to the extent of empowering the board of supervisors to reject or diminish the total amount asked for salaries for any office, board or department, without, however, dictating the amount of individual salaries. It required all elections of county officials to be held in odd-numbered years, when there would be no state or presidential elections. And finally, the charter was supplemented by an amendment to the constitution, passed for the first time by the 1927 legislature, requiring a referendum vote on any changes of a fundamental character, or which failed to meet with the approval of the board of supervisors or elicited a protest by 5 per cent of the voters.

The principal features of the charter as submitted were the transfer of the executive powers of the county from the board of supervisors to the executive officials and the board of estimate and apportionment mentioned above, with the change that in the latest 1927 proposal the board of estimate and apportionment, instead of being composed solely of the three elected officials, had added to its membership the county attorney and the county engineer, appointed by the county president, thus giving him virtual control of the board; an executive budget in substantially the form adopted for the state by the constitutional amendment approved by the voters at the same election, with the qualification above mentioned as to salaries, and the greater protection from charter tinkering by the legislature which would be afforded upon the final adoption in 1929 of the constitutional amendment referred to above.

The Westchester County Civic Association, which had opposed the 1926 draft, supported the 1927 proposal as a substantial improvement, obviating the chief defects of the former draft. The Home Rule Association continued its former opposition, and attacked the charter on various grounds, some of them inconsistent with each other, and some having little relation to the merits of the proposal, and calculated to appeal to the fears of the uninformed. Officeholders were told that their offices would be interfered with, while independent voters were warned that the charter represented an attempt of the Republican machine to establish political control. It was stated to the friends of local government that the cities, villages and towns would be deprived of their local functions, which would be transferred to the county; while it was stated to the advocates of a centralized government that the charter failed to clothe the county with any new functions which would justify its adoption. Great stress was laid upon the danger of giving substantial powers to an executive head, and fears were expressed lest a possible failure to repass the constitutional amendment, to which both parties had been committed, might leave the county unprotected against future changes by the legislature. The charter was attacked in the same

breath, and by the same people, for changing an existing government that was represented as having worked with reasonable satisfaction, and for not effecting a sufficiently radical improvement in the government of the county. These conflicting arguments appear to have worked on the fears of the voters much as did the similar line of attack resulting in the defeat of the proposed new state constitution of 1915, the major proposals of which have since been individually adopted.

Going deeper, the real cause of the defeat of the charter may be found in the failure to arouse and rally public interest in its support. While the question of a new charter for the county has been under discussion for some years, no single proposal has been before the public long enough for thorough public discussion. In each year a draft has been completed while the legislature was in session, has been passed through the legislature without any great amount of public discussion, and has been carried into the ensuing campaign, where the entire public consideration of the proposal was limited to the two or three weeks' period of active campaigning, in which the charter was merely one of a number of issues. The absence of any extended educational campaign, and the consequent lack of public understanding of and support for the proposal, are reflected in the vote. The charter was defeated by a majority of about 12,000 out of a total vote of about 80,000. At the same election there were cast for the office of commissioner of public welfare, the only county officer voted for, 119,000 votes. Of the votes cast for this county officer, some 39,000, or one third of the total number, failed to vote on the charter at all. In other words, voters equal in number to 50 per cent of those voting for and against the charter failed to record themselves either for or against it. In view of the aggressive campaign that was waged against the charter, it may be assumed that all who were actively opposed to it, out of interest or fears, registered their negative vote, and that the 39,000 voters who failed to vote either were not interested in the proposition at all, or were not convinced of the necessity or of the merits of the proposal. The vote evidences a lack of understanding and interest in the proposal rather than any overwhelming opposition to it. The result would appear to indicate the need of a more extensive campaign of education if any reform is to be effected in the government of the county.

FOOTNOTES AND FIELDNOTES IN OLD ENGLAND

BY LUTHER GULICK

Old Sarum's decline and fall in terms of modern city planning.

THE town of Old Sarum in the Salisbury Plain is only a footnote in the histories of electoral reform. Until the Reform Act of 1832, it was the rottenest rotten borough of England, with two parliamentary representatives and no true population. For over a hundred years, the Pitts owned the manor and solemnly elected themselves, including the great William, to Parliament. The electors met in an open field under an old oak tree. But now even the oak tree is gone. It, too, was rotted through and fell some years ago.

The editor of the REVIEW and I strolled across the stretch of rolling meadow and climbed up the steep grass-covered hill to see Old Sarum. Though it was a holiday and the thoroughfares were busy with motorists and sightseers on their way to Stonehenge and Salisbury, we seemed to be the only pilgrims who had turned aside here.

Old Sarum should be of interest to the city planners. It is a city which evaporated because of bad planning. It was originally a Saxon and then a Roman citadel. Parliament met here in 960. And here, in 1070, William the Conqueror assembled and paid off his victorious army. So it was once quite a city, with its conical hill, well defended with earthworks, moats, and drawbridges, and crowned with a castle with twelve-foot stone walls and a great tower. Within the outer walls was the cathedral which was finished by Bishop Osmond in 1092. The houses of the soldiers, the priests, and the townsmen were huddled about the cathedral, though part of the population spilled out through the eastern and western gates into the plains. This was the city that gradually but completely moved away, carrying with it almost every hewn stone, to build a new town with new walls and a new cathedral a few miles away in Salisbury. You can detect many of these Norman-worked stones today in the precinct wall of Salisbury Cathedral.

The reasons for the abandonment of the old town were, in modern terms: the housing problem, a limited water supply, the inadequate health program, the traffic problem, and friction due to the division of authority. Probably peace, or at least a change in the technique of warfare, finally robbed the fortress of its value, but this was long after the town had been abandoned. Evidence of the difficulties of the town is found in a petition to move the religious establishment which was addressed to Pope Honorious III in 1217. It was as follows:

> They state that the Cathedral Church, being within the line of defence, is subject to so many inconveniences that the Canons cannot live there without danger to life.
>
> Being in a raised place the continued gusts of wind make such a noise that the clerks can hardly hear one another sing, and the place is so rheumatic by reason of the wind that they often suffer in health.
>
> The Church they say is so shaken by wind and storm that it daily needs repair, and the site is without trees and grass, and being of chalk has such a glare that many of the clerks have lost their sight.

Water, they say, is only to be got from a distance and often at a price that elsewhere would buy enough for the whole district.

If the clerks have occasion to go in and out on business, they cannot do so without leave of the Castellan; so that on Ash Wednesday, Holy Thursday, and on Synodal and Ordination and other solemn days, the faithful who wish to visit the Church cannot do so, the keepers of the Castle declaring that the defences would be endangered.

Moreover, as many of the clerks have no dwellings there, they have to hire them from the soldiers, so that few are found willing or able to reside on the spot.

This complaint was investigated and the petition granted. The new cathedral was built in the plains and the population followed to the new town. The old town became little more than a quarry, and many years later even the cathedral, the bishop's house, and the homes of the canons were carried away to the new town and built into its cathedral and walls. The castle was used as late as 1360, when there was a French scare, but even then it must have been a pitiful spectacle. Except for recent excavations, not a stone would be visible now above the surface of the ground and its heavy turf of wild grass.

For the city planner, this whole episode would have been much more valuable if all the mistakes of Old Sarum had been intelligently avoided in the new town. The churchmen did learn, and laid out their cathedral with what is now one of the finest church enclosures in all England, but the townsmen did not do quite so well, though even here the streets may not be quite so narrow or crooked as in some of the other old towns.

BUFFALO ADOPTS A NEW CHARTER—ABANDONS COMMISSION GOVERNMENT

BY HARRY H. FREEMAN

Director, Buffalo Municipal Research Bureau

Buffalo has returned to mayor-council government on a partisan basis after twelve years of commission government and the non-partisan ballot. :: :: :: :: :: :: :: :: :: ::

After twelve years' experience, Buffalo has definitely given up commission government. A new charter, approved by the electors in August, 1927, became effective January 1, 1928, and Buffalo passed from "the largest city under commission government" to a less conspicuous standing in the list of mayor-and-council communities. Many Buffalonians will waste no tears over this apparent loss of caste.

The charter campaign, during August, was a spirited contest. Defenders of the commission government charter pointed what they claimed to be a wonderful record of achievement during the past twelve years in schools, parks, playgrounds, harbor development and water supply, and insisted that any worthwhile features could be added to the existing charter by amendment.

On the other hand, advocates of the proposed charter called attention to the trebled city budget and assessments under commission government, pointed out that there have already been over 180 amendments made to the

existing charter without much improvement being seen and stressed the many fine administrative provisions of the new document.

The vote on the new charter was 53,041 divided as follows: For, 32,079; against, 20,962.

THE NEW CHARTER

The charter commission, in its address to the electors, stated that it carried on its work with two thoughts constantly in mind, *i.e.*, to rid the city of what they considered was "an automatic form of city government" and to bring about "a separation of the taxing power from the spending power."

> To entrust to any five men, the power to expend each year the sum of $58,000,000 and, at the same time, almost unlimited power to tax citizens annually $47,000,000 of this amount seems to us a gross misconception of the American ideals of government.

The new charter provides for:

A mayor, elected for a four-year term and ineligible to succeed himself. An annual salary of $12,000 is provided, but not effective until January 1, 1930.

A comptroller, elected for a four-year term. His salary is fixed at $8,000 per year, and he is not limited as to the terms he may serve.

A council of fifteen members, five of whom, with the president, are elected at large, and nine from nine newly created council districts. The terms of councilmen-at-large and president are four years and they are ineligible for the next succeeding term. District councilmen are elected for two-year terms and are ineligible to serve more than two succeeding terms. The salary of a councilman was fixed at $2,500 a year and the salary of the president at $6,000 a year.

The administrative service is divided into eleven departments, viz., the executive, audit and control, treasury, assessment, public works, police, fire, health, social welfare and law, paralleling in all but the executive existing departments or branches of the city government. The executive department was given four main divisions of budget, purchase, license and markets, each to be headed by a director to be appointed by the mayor without confirmation by the council.

The mayor is given power of appointment, subject to confirmation by the council, of important administrative officers such as the commissioner of public works, corporation counsel, director of parks, police, fire, etc. The mayor's power of appointment, however, does not become effective until January 1, 1930. Until that date such appointments are to be made by a board of three composed of the mayor, comptroller and president of the council. This restriction was made because the present mayor holds over for two more years, the unexpired balance of his present term of office.

The new charter contains many provisions of merit governing the city's business and administrative methods, such as an executive budget, centralized purchasing, better control over expenditures, expediting public work, cleaning up deficiency bonds, opening the "closed door" on paving, etc.

THE NEW GOVERNMENT

At the recent November election, the new councilmen, president of the council and comptroller were elected. As the new charter provides for partisan nomination and election, the political parties came back into municipal affairs for the first time in more than twelve years. Both the Republican and Democrat parties were torn by internal dissensions and each had regular and insurgent tickets in the September primaries. This proved costly to the regular organizations, especially the Republican, for, while

the organization and "re-organization" candidates for council president were cutting each other's throat, an outsider, who is credited with being an Independent and sometimes accused of being a Socialist, captured the Republican nomination. He won an easy victory at the polls. The Republicans also elected the comptroller, the five councilmen-at-large, and filled eight of the nine district council seats. As the hold-over mayor is also Republican, responsibility of municipal affairs in Buffalo, for the next few years, has been definitely placed upon the Republican party.

Local sentiment over the results of the election was admirably summed up in an editorial in the Buffalo *Courier-Express*, issue of November 9:

> For several years past, Buffalonians have wagged their heads at the actions of the council and said that things would not be so if there had been party nominations instead of the non-partisan system. With the sweeping win of the Republican party yesterday, this theory can be demonstrated most effectively. The new council is composed of excellent timber. It has the brains, ability, and power and with proper leadership should do much to regain the respect due to those who administer municipal affairs.

THE HAMBURG ELECTION

BY ROGER H. WELLS
Bryn Mawr College

Politics, campaign methods, and election procedure in Germany's second largest city. :: :: :: :: :: :: :: ::

1927 was an "off year" in German politics, with no national elections and relatively few state and local elections taking place. Of the latter, the election on October 9, 1927 of the house of burgesses (Bürgerschaft) of the city-state of Hamburg was probably the most interesting and most significant. The importance of the Bürgerschaftswahl arose not only from the fact that Hamburg is the second largest city in Germany and a great trade and commercial center, but also from the fact that the national parties are already preparing for the choice of a new Reichstag in 1928.

SPIRITED PARTISAN CAMPAIGN

"As goes Maine, so goes the Union," is an old adage in the United States, and while Hamburg is perhaps not to be regarded as a similar political barometer, nevertheless, the election in that state was viewed with interest in all parts of Germany. This was especially true of the national party organizations which supplied "heavy artillery" for the campaign in the form of speeches by prominent party leaders imported from other states. National, state, and local politics are inextricably mixed in Germany—more so than in the United States—and this fact was obvious in the propaganda and political rallies in Hamburg. At one Democratic mass meeting which the writer attended, national issues were chiefly discussed and aroused such heckling and disorder from Communist and Nationalist hearers that the presiding officer sarcastically reminded the audience that they were not called upon to elect the president of the Reich on October 9.

As for the campaign in general, it was spirited and spectacular, even when measured by American standards. While no professional gunmen were employed, as sometimes happens in cities of the United States, still there were broken heads on various occasions when extremist elements met. Several hundred political rallies were held by the various parties, to say nothing of the picturesque torchlight parades of the Communists and Socialists. Posters, newspaper articles, advertisements, and handbills were widely used, particularly the latter. The Social Democrats estimated that they alone distributed about three million "Wahlzeitungen" and "Flugblätter." Hence, it was not surprising that the usually clean streets were littered with thousands of handbills. Although not as untidy as American city streets on Armistice Day, 1918, yet one could at least say that "the street cleaning department reaped a magnificent paper harvest."

As usual, the election was held on Sunday. While the church bells rang out to summon the citizen to his Sabbath devotions, numerous auto-truck loads of noisy partisans with fife, drum, and bugle, reminded him of his civic duty. Just one thing was lacking in the whole picture, namely, the use of the radio for political propaganda. Unfortunately (or fortunately; it depends upon the point of view), this is forbidden in Germany.

LIST SYSTEM EMPLOYED

The Hamburg house of burgesses is composed of one hundred and sixty members, elected for a three-year term, according to the list system of proportional representation.[1] In this connection, it may be recalled that Hamburg was one of the first German states to introduce proportional representation.[2] That step was taken in 1906, but the existing system is very different from the one provided in the original law of that year. At present, the voter votes for the party and only for the party; he cannot "split" his ticket, express any preference for particular candidates, or change the order of the candidates' names as determined by the party.[3] Moreover, the parties themselves may not combine to form a united "Bürger" List or "Left" Ticket. The only combination that is permissible is that between lists of the same party in the two electoral areas (Wahlkreise) into which the state is divided. The first of these areas comprises the city proper and elects one hundred and fifty members; the second is the surrounding rural area which chooses ten members. The seats are allotted to the parties according to the d'Hondt quota method, but any remaining votes in the rural Wahlkreis are transferred to the credit of the same party in the urban Wahlkreis.

At the 1927 election, a total of nine parties placed 572 candidates in the field. In the 1924 Bürgerschaftswahl, there had been fifteen tickets, five of which secured no representatives whatever, and five more of which had only eleven seats combined. In order to prevent such "Splittergruppen,"

[1] Arthur Obst, ed., *Die Verfassung der Freien und Hansestadt Hamburg* (2nd ed., Hamburg, 1926). This work also contains the present law governing the election of the house of burgesses.

[2] Proportional representation was also introduced in Württemberg in 1906. See C. G. Hoag and G. H. Hallett, *Proportional Representation* (New York, 1926), pp. 282–283. See also Carl Albrecht, *Das Hamburger Bürgerschafts-Wahlgesetz* (Hamburg, 1906).

[3] The ballot contains the names of the parties numbered in consecutive order as determined by lot with a party circle after each name. Underneath the party title are the names of the four leading candidates (Spitzkandidaten) in fine print.

the Hamburg election law was amended on June 27, 1927, so as to provide:

1. That the number of voters' signatures required for candidates' nominating petitions be increased from 30 to 3,000 (1,000 for the rural Wahlkreis), but this provision does not apply to any party which already has one-sixteenth of the total number of representatives in the Bürgerschaft or Reichstag. For such parties, thirty signatures are enough.

2. For each ticket placed on the ballot (official ballots have been used since 1924, but the official envelopes are also still employed), a deposit of 3,000 marks is required which is forfeited to the state if no candidate from the ticket is elected.

This second provision is, of course, similar to the English rule for parliamentary elections and is likewise found in one other German state, Saxony, where it was adopted in 1926.[1] At the recent election, only one deposit was forfeited, that of the Catholic Center Party in the rural Wahlkreis.

A SWING TO THE LEFT

The results of the polling indicated a swing toward the Left, a drift which was likewise apparent in the recent city elections in Königsberg and Altona and in the state election in Mecklenburg last summer. This is clearly shown by the following comparative table of the Hamburg Bürgerschaft elections of 1924 and 1927.

Although the Middle and Right parties have been weakened, it is not yet certain that the present party composition of the senate (i.e., the cabinet) will be greatly changed.[2] The Social Democrat-Democrat-People's Party coalition may continue as heretofore but with the Social Democrats holding a larger proportion of the cabinet seats; or the Socialists and Communists may join forces, and forget the bitter warfare which has previously divided those parties in Hamburg and elsewhere. At the present writing, this issue is not yet settled.

During the campaign, extraordinary efforts were made to arouse the non-voters and overcome their lack of interest and "Wahlmüdigkeit." It was thought that the non-voters chiefly belonged to the "Bürger" or Middle

[1] Filing fees for nominating petitions are required in Brunswick and in Lippe, but these are not returnable. See Walter Jellinek, *Die deutschen Landtagswahlgesetze* (Berlin, 1926) *passim*.

[2] Although Hamburg is primarily a city, it has the legal status of a state and, as such, is required by the constitution of the Reich to have a parliamentary form of government. The term "senate" instead of "cabinet" is very misleading to an American.

Name of party	Number of representatives	
	1924	1927
Kommunistische Partei	24	27
Sozialdemokratische Partei	53	63
Deutsche Demokratische Partei	21	16
Deutsche Volkspartei	23	18
Zentrumspartei	2	2
Mittelstandspartei	2	6
Volksrechtpartei	..	1
Deutschnationale Volkspartei	28	25
Nationalsozialistische Deutsche Arbeiterpartei (Hitler's party)	4	2
Other parties (in 1924 only)	3	..
	160	160

and Right parties, as the Socialist and Communist machines have something of Tammany's efficiency in "delivering the vote." The election returns showed an improvement over the 1924 Bürgerschaftswahl but were still rather disappointing in view of the great exertion put forth and the exceptionally favorable weather conditions. In this connection, it may be of interest to note the following comparative table which shows Hamburg's voting record since 1919:[1]

[1] *Statistisches Jahrbuch für die Freie und Hansestadt Hamburg, 1926–1927* (Hamburg, 1927), p. 404.

Year	Election	Percentage of qualified voters voting
January, 1919	National constitutional convention	90.41
March, 1919	Bürgerschaft	80.55
June, 1920	Reichstag	74.53
February, 1921	Bürgerschaft	70.90
May, 1924	Reichstag	78.42
October, 1924	Bürgerschaft	66.06
December, 1924	Reichstag	76.20
March, 1925	Reichs President	70.27
April, 1925	Reichs President	78.23
June, 1926	Volksentscheid (Initiative over princes' property)	57.48
October, 1927	Bürgerschaft	74.24

HOW CITY MANAGER PERSONALITIES FIGURED IN TWO ELECTIONS

RECENT HISTORY IN CLEVELAND AND CINCINNATI

I. CLEVELAND MANAGER PLAYS ACTIVE PART IN NOVEMBER ELECTION

BY RANDOLPH O. HUUS
Western Reserve University

After having been in operation for three years and ten months the council-manager plan in Cleveland met its first direct test at the polls on November 8, when the voters defeated three charter amendments and a proposal for a commission to revise the present charter. The effect of the vote was to keep the present plan in operation without change. Two of the amendments were in reality new charters, both providing for a return to the discarded mayor-council form. The only change proposed by the third amendment was the abolition of proportional representation and a return to the ward system and the preferential ballot for councilmanic elections.

The only amendment to receive serious consideration was the one sponsered by Harry L. Davis, ex-mayor of Cleveland and former governor of Ohio. By the close vote of 80,148 to 73,732 this amendment was rejected.

It provided not only for the mayor-council form but the ward system and plurality elections for councilmen.

The Davis forces contended early in the campaign that the only real issue was the relative merits of the two forms of government. For obvious reasons such a campaign was out of the question. On the one side was the strong personal following of Davis and his recent political activities in and out of public office. Add to this the resentment of members of the Cleveland Federation of Labor against City Manager W. R. Hopkins for alleged unfriendly acts. On the other side was the outstanding place of Mr. Hopkins in the city's government and the record achieved under the council-manager plan. Under such circumstances a discussion of personalities, records and motives was inevitable.

In short order the Davis forces centered their attack, not so much on the iniquities of the council-manager plan and proportional representation, as on the policies of Maurice Maschke and Burr Gongwer (respectively the local Republican and Democratic party leaders) and on Mr. Hopkins and his official record. And the anti-Davis forces (some favoring the council-manager plan as such and many not, but all against the Davis amendment) attacked the past record of Mr. Davis in public office and questioned the sincerity of his expressed desire to "return the government to the people" in view of provisions in his charter favorable if adopted to his possible candidacy for mayor. Quickly and decisively the political speeches, the propaganda, the newspaper write-ups and the editorials became concerned primarily with the personalities and records of W. R. Hopkins, city manager, and Harry L. Davis, ex-mayor. Billboards and placards urged the voter to "Keep Hopkins." Newspaper headlines featured Hopkins and Davis rather than either form of government, *e.g.*, "Calls Women to Support Hopkins," "Stand by Hopkins, Maschke Advises," "Labor Fights for Davis to Get Hopkins." And it was apparent that at the political meetings W. R. Hopkins and Harry L. Davis were the centers of interest. An outsider might easily have thought that the two men were the rival candidates for mayor. In the nature of the case the personality and record of the city manager became directly involved in the campaign.

MANAGER HOPKINS' CAMPAIGN ACTIVITIES

With this in mind let us consider the campaign activities of City Manager Hopkins. During the three weeks of active campaigning Mr. Hopkins was a familiar figure on political platforms. He spoke in every section of Cleveland and frequently a number of times during an evening. But his talks were not like those of the average mayor seeking reëlection,—they differed both in substance and in presentation. The customary political fireworks were not lacking, however, being supplied by a corps of speakers representing all of the factions opposing the Davis charter amendment. Often sitting on the same platform with Mr. Hopkins these speakers vigorously attacked the past record of Mr. Davis, his present political motives, his labor group support and particulars in the amendment. They stressed the accomplishments of City Manager Hopkins and party allegiance as well, but said little or nothing about the city manager plan and proportional representation as such. One reason for this is that many of the selected speakers represented the viewpoint of the leaders of the party organizations who are unfavorable to the new form of government.

The city manager's talks were in contrast to those described above. On the whole he was successful in limiting them to two subjects,—an endorsement and explanation of the city manager plan and a review and defense of the accomplishments under the city manager plan. He carefully avoided the personal or partizan approach. However, during the latter part of the campaign he tended to become more directly and personally involved. This resulted from his direct replies (without mentioning any names) to attacks made by Davis speakers on his administrative record. City Manager Hopkins has none of the mannerisms of the political stump speaker—rather he gives the impression while talking of an able executive presenting a report to his board of directors. His speeches are factual, lucid and interesting and his presentation direct and conversational in tone.

Was City Manager Hopkins justified in taking the active part in the campaign that he did? The writer believes that under the circumstances he was. The particular task Mr. Hopkins performed in the campaign was to acquaint the voter with the record of the present administration. It may be objected that the public defense of the conduct of the government under the council-manager form is the responsibility of the mayor or other leaders of the dominant faction in the council. It is doubtful if any of the other leaders of the dominant faction (the Republican) had the willingness or the peculiar qualities of leadership necessary. Mayor John Marshall did take an effective and active part in the campaign, but in no sense did he supplant City Manager Hopkins in this respect. Certain obvious reasons suggest themselves:

1. There is no clear mandate in the city charter to the mayor to assume such responsibility.
2. The mayor is also a councilman and must concern himself with his own reëlection in his particular district.
3. The council-manager mayor does not represent the voters at large since he is elected from one of the four districts, as the other councilmen.
4. The outstanding position of Mr. Hopkins in the city government.

In conclusion it is worth noting that the candidates for the council stressed primarily their records, platforms or party allegiance rather than their relation to the present administration—probably due to their fear of losing votes among the many supporters of the Davis charter amendment.

II. CINCINNATI MANAGER LESS CONSPICUOUS BUT STILL INVOLVED

BY ALFRED HENDERSON
Cincinnati "Times-Star"

City Manager Clarence O. Sherrill, although not an "issue" in the recent Cincinnati municipal election campaign, received a splendid endorsement not only because all candidates elected to the city council were pledged to him and his work but by reason of approval by the voters of a series of bond issues by unprecedented majorities.

Colonel Sherrill was the instigator and inspiration of a capital improvement program providing for bond issues

aggregating nearly $9,000,000, a very large amount in Cincinnati except for such self-sustaining purposes as the Cincinnati Southern Railway, the rapid transit system and the new water works.

Many of the bond issues at the recent election were approved by so much as three to one majorities and none received less than a two to one favorable vote. This is all the more convincing because for years under previous administrations bond issues were uniformly voted down. A year ago, after ten months of the Sherrill administration a large bond issue was approved, yet it was predicted this year the people would reverse their verdict and vote down the bond issues.

This prediction was the more confidently made because of the increase in expenditures under the Sherrill administration and a higher tax levy. So when Sherrill came forward early in the fall this year with even a larger bond program some of the reputed wise while admiring his temerity were sure he would meet the fate of the rash and reckless.

Yet in spite of these prophets of evil and the misgivings of not a few doubting Thomases among his closest friends, Colonel Sherrill, right on the eve of the election, issued a signed statement in favor of all the bond issues to go to a referendum of the voters. Thus the die was cast, the hazard was taken by a man who could well have remained silent and content with the declarations of loyalty of all councilmanic candidates having a shadow of chance of election.

SHERRILL BACKS BOND ISSUES

Colonel Sherrill in his statement definitely identified the fate of the bond issues with his own fortunes, and he and his friends are justified in accounting the result of the bond ballot as a vote of confidence in his administration.

During the campaign there was not a little open criticism of specific incidents of the administration and particularly of the increase in taxes as compared with the previous city administration, but on the stump and in the press the fault was ascribed not to Sherrill but to his "wicked" advisers, much like the practice in the days when monarchy was in flower and the doctrine obtained that the "king can do no wrong."

Yet Colonel Sherrill has never essayed the rôle of a king nor has he ever sought to influence the action of the legislative branch of the Cincinnati city government, thereby making himself a contrast to some other city managers. At the same time Sherrill has not hesitated to make unprompted suggestions to the city council and even to the so-called independent boards and commissions. But he has, many think, leaned backwards, in avoiding even a suspicion of invading a coördinate branch of the municipal government.

The political complexion of the new city council will remain the same as the present, except that the regular Republican organization will have two of the nine members instead of three, the third having been defeated at the polls and an independent elected along with six accredited Citizen Charter Committee candidates. The six are the same men as before, save that Julius Luchsinger declined to run again and is succeeded by Charles Eisen.

Mayor Murray Seasongood was reelected councilman with an increased vote under proportional representation. Under the Cincinnati charter the mayor is elected by the council.

The independent elected is Municipal Court Judge W. Meredith Yeatman, a Republican in national politics.

POLITICS IN CIRCLE CITY, OKLAHOMA

BY HARRY BARTH
University of Oklahoma

The fate of a good city manager in a town that knows its politics. Of course the names are fictitious. :: :: :: :: ::

Circle City is a quiet town of eight thousand people, and twenty miles of concrete pavement, in no way distinguished from the other communities which dot the Oklahoma plains. Yet an election was held last spring which is worth describing. The affair arose over the city manager who was turned out of office as the result. Its interest, however, lies not so much in the fact that one manager was superseded by another, as in the light which the incident can throw upon the operation and theory of the managerial plan, and the picture which it presents of small town politics.

DRAMATIS PERSONÆ

The two leading characters were Pat McQuillan, city manager, and Elmer Bristow, mayor. Today Pat is in the surveying business in Circle City. Elmer runs the leading dry goods store, and is one of the city's big business men. Pat is quiet, unassuming, conscientious. Elmer is ambitious and forward, a glad hander. Pat, on the other hand, is afraid of people and would never rate as a good fellow. Elmer is genial and comradely. There is more to Elmer than the typical Rotarian, for under cover he gives the impression of calculating chances and weighing proposed roads to political eminence with a canny shrewdness. Also, he seems to have a certain ruthless quality which causes him to keep his eye on the main chance, and to go rough-shod over those who stand in his way. He should go far in Oklahoma politics, although of course you cannot be sure. Frequently a man who seems to have all the qualities for success in politics will carry along a weakness which will wreck his career. Elmer may have trouble in convincing the tenant farmers of Oklahoma of his sincerity, and it is these who wield a potent influence in politics in our state. His calculating is a trifle too obvious, and this hurt him even among Circle City's business men who worship the self-centered man at their noonday luncheon clubs.

The facts are complicated and involved, and it is hard to be sure of them. Yet one stands out clearly, and that is that Pat was an efficient city manager. When Pat took office four years ago the city was operating at a loss. An earlier manager, brought in from outside Circle City, had proved an unmitigated crook. He let paving contracts at five dollars a square yard for concrete, and mulcted the water revenues. After he had left town hurriedly, the people decided that thereafter they would have local men, with whose background they were familiar. Their next manager was honest, but he did not stand as well as he might have with certain fraternal organizations. Pat followed. In two years he cleaned up a deficit of four years' standing, and finally made sizable cuts in the tax rates. During his last year he reduced the rate for city purposes from fourteen to eight mills, and this included the sinking fund levy.

His chief achievements centered

around the water works, just as they must with any city manager who is to be a success in the plains country. Water is scarce where the West begins and ability to secure a usable supply is the best criterion of good government. Pat found that it was costing around a thousand dollars a month to pump water from Circle City's deep wells. He called in experts, substituted oil-burning Diesel engines for the old coal-burning steam outfit on their advice, and now in spite of an increased consumption, Circle City pumps the water for two hundred and fifty dollars per month.

It was necessary to make extensions to the water mains and the sewer system. Bids were asked, and the lowest was for twelve thousand dollars for the work, the city to furnish the material. Pat thought this was a hold-up, and considered doing the work by direct labor. He found that by purchasing a ditch-digging machine and hiring labor, he could do the work for seven thousand. The books, which have been checked by a certified public accountant, indicate that his savings were about one half of the contract price, even writing off one-third the cost of the ditch digger against this one job. The savings paid for the machine and left a surplus of three thousand.

The streets were kept clean, the fire department was efficient, the police were far less listless than in the average town. Police court fines were unusually high, thanks to the stop lines and traffic frogs which were placed at bad crossings. In the other fields, the administration of the manager was equally successful.

The efficiency of the manager was not an issue in the campaign. The only changes made by the manager who followed Pat were to use yellow paint to mark stop lines instead of white paint, to make the police buy new uniforms and to dismiss some policemen and firemen to make room for friends. The new manager consults the old constantly. There have been no modifications of policy.

MANAGER'S ACHIEVEMENTS USED AGAINST HIM

If one is to look for the causes of Pat's defeat one must seek elsewhere than in the operation of the city government. Surprising enough, the chief cause was the ditch digger. There is no question as to its value. It snorts down the streets and literally rips a lane in the ground at a much faster clip than manual labor. Its only fault is that it puts men out of work. Circle City has a laborer's ward and this was strong on the side of the mayor. You cannot fool these Oklahoma laborers. They know their interests when they see them, and, in the words of a local politician, they turned out "strong as horse radish" against Pat on election day, and the candidates favoring Pat were beaten by two hundred votes, a comparatively small number. The ditch digger must probably assume responsibility.

There was another side. Ed Hunter is in the plumbing business. As soon as the old city manager decided on digging his ditches and laying his pipes directly, he antagonized every contractor who might have gotten the job. Ed ran for commissioner on a platform of honesty and efficiency and he said that if he were elected, the ditch digger would never be used again. Ed won, though in fairness to the other commissioners and the new manager it must be said that the ditch digger is still being used. However, had it not been for the city going directly into the contracting business, Pat would have been spared a number of enemies.

If one analyzes the situation further, he will find that another money-saving

measure played a part in the manager's downfall. This was the adoption of the Diesel engines. On the face of things one would imagine the use of these engines a feather in the manager's bonnet. Unfortunately there was an alternative to the engines, and this was electric current. Why not pump the water with electricity, purchased from the Circle City Power Company, asked the mayor when the matter of the engines came up. There was much bitter strife and many heated meetings. The Diesel engines won out on the advice of engineers, but the battle left scars. This particular utility is notorious for its interference in local politics. The old manager says he has no evidence that the Power Company tried to affect the results of this election, but here again was a source of irritation.

THE MAYOR HAD AMBITIONS

One further element entered into the situation, and this was the ambitions of the mayor. There seems little doubt but that in a few years he plans to run for state office. He is generally credited with this objective by the business men of Circle City, while every move he makes seems directed toward this end. The city manager appointed to take Pat's place is a state house politician with wide connections over the state. In time of elections he makes an excellent campaign manager. He has run for state office several times and knows his political wires. Elmer, the mayor, has also consistently played the rôle of defender of the utility companies. These are powerful in Oklahoma. Their public relations counsels are many and their lobbyists able. One cannot trace any direct connection between utilities and politics, and yet there is much circumstantial evidence. At any rate Elmer has always fought for them. His attitude when the issue of the Diesel engines came up is illustrative.

The mayor wanted control of the city government of Circle City, and the manager stood in his way. The men are temperamentally antipathetic. The election was a battle to the death.

THE ELECTION

Circle City has a commission of five members. The terms of office overlap,—three commissioners are chosen every other year. Four of them hold office for four-year terms, the fifth for two years. The commissioner chosen every two years has the title of mayor and is the presiding officer. When the spring of 1927 came around, as usual the mayor and two commissioners were up for election. Elmer ran for mayor and chose the plumbing contractor and a local celebrity as his running mates. Pat put a ticket in the field. His candidate for mayor was a physician with a wide acquaintance. His candidates for commissioner were both young men of untried caliber.

Mud flew thick as Oklahoma hail, and anyone who stuck his head above the parapets stood a fair chance of being plastered. The only real question, theoretically, at least, should have been the competence of the manager, but, of course, this was never considered. Popular interest was great. It was not the interest which comes when real issues are at stake, but rather the attention which is aroused by a sporting event.

Each side probably spent over a thousand dollars in the primary. Most of this went to buy advertising in the local paper, whose owner sat in his swivel chair and beamingly raked in the cash in advance. There were other expenses. Elmer sent a personal letter to each voter in town and also got out handbills. Dr. Jones distributed post-

ers broadcast. There was abundant "literature."

Elmer began almost all of his advertisements with "Dear Folks," a salutation calculated to rouse a warm feeling of comradeship. He then went ahead and told how much he had lowered taxes and how excellent had been the administration of the water works. He cheerfully claimed credit for every accomplishment which the manager had achieved. Meanwhile Pat sat in his office and swore.

PAT A POOR POLITICIAN

Pat's campaign was singularly mismanaged. All his friends could say was, "Look at the efficiency of our city government." They could not find a single issue to arouse emotions. They were just ordinary matter-of-fact men, while Elmer is a political artist of some ability. Then there was the feeling abroad that after all Pat had been drawing a good salary (two hundred, later three hundred dollars per month) for four years. Was not that long enough?

Elmer played his trump card when he brought in the hospital issue. Some years ago the citizens built a hospital by private subscription. This has never done very well, and is always more or less financially embarrassed. On two occasions the physicians in town have tried to get the people to take it over as a municipal hospital, and on both occasions without success. The citizens are opposed to the idea, for it means higher taxes, besides endless litigation, as Oklahoma cities are held liable for negligence in hospital operation. Elmer accused the opposition of planning to saddle the hospital on the city. The fact that the candidate of the manager was a physician lent color to the charge. The manager's group answered by saying that they could not take over the hospital without a direct vote of the people even if they wanted to. The mayor's charge, however, was a shrewd political move, and there may have been some basis for it.

At this point the leader of the hospital crowd became excited. On the afternoon before the election the *Democrat*, a local paper, carried a large advertisement stating that Elmer some weeks back had asked the leader of the hospital group not to put a candidate in the field against him and had stated that he would back the hospital in exchange for support at the election. The same evening Elmer had handbills over the city accusing the signer of the ad of lying. "Dear Folks," he said, "the doctor who published the malicious and scurrilous ad in this evening's paper is a liar. Dear Folks, do you want liars to run your city?" There is still speculation among Circle City's people as to who the liar was, though evidence points strongly in one direction.

By this time the election was far away from anything remotely concerning the real issues. In good old American fashion, red pepper had been sprinkled over every significant trail, and emotions had been roused to supercede whatever of reason the average man possesses. The citizens, prepared by the diverting spectacle of a row between toreadors, went forth to decide a question whose real merits they cared not a rap about. The votes were counted and the only apparent result was that a competent city manager went down to defeat.

He probably deserved what happened to him. How can a man stay in office, if he cannot make a speech? What right has a man who is not a good mixer to hope for preference? Furthermore, he bungled in his selection of candidates. If he had not picked a physician as his candidate, the hospital issue could never have been raised. That he was a good manager was, of course, irrelevant.

POLITICS AND THE MANAGER PLAN

Can any lessons for the managerial plan be drawn from this election? We must recognize the fact that a single election is not conclusive; but this affair illustrates one point, and this is that the efficiency of a manager is no guarantee that he will hold his office. In fact, efficiency may, as in this instance, be a handicap. If the manager had done things in the good old way, he might still be in office. Hylan's defeat of John Purroy Mitchell in 1916 in New York was wondered at, for it substituted one of New York's sorriest mayors for one of her best. This sort of situation seems more widespread than is usually believed. Here in Oklahoma is another instance of a man being turned out of office for doing his job too well.

The manager is often in a position where he is up for election every time his commission is elected, and must go into the political arena every time the voters go forth to cast their ballots. Here is the chief weakness of the managerial plan. The managerial plan, as it worked out in Circle City, is in no essential different from the mayor-council plan. Just as the mayor comes up for reëlection under the mayor plan, so the manager. The only difference is that the manager does not have as good a chance as the mayor, for he must stand or fall partly on the merits of the men he selects as his candidates for commissioner, while the mayor is voted on directly. This analysis may not hold generally. Possibly Circle City is in a class by itself. There is no point in being didactic, and we trust that we are mistaken.

Even though our conclusion is correct, and even though the manager cannot be taken out of politics, still there is reason for the adoption of this plan in preference to the mayor-council system. After all, the managerial plan does contain the idea that an expert should run the city's affairs rather than a politician. In course of time, this idea may bear fruit.

Certainly Circle City gives a good picture of a manager caught in the maw of local politics, and illustrates the vicissitudes liable to befall him. Personal enemies, ambitious politicians, disgruntled office seekers, antagonistic laborers, dissatisfied contractors all unite to make a manager's tenure insecure. While the good people of the town who are benefited by efficiency, and theoretically, at least, demand it, seldom rush to his defence. No one ever had the cockles of his heart warmed by the slogan of economy.

One point more. The eastern cities rather pride themselves on the politics which goes on in their borders. After talking to a Chicagoan about Big Bill Thompson or to a New Yorker about Hylan, one feels that he takes a certain pride in the magnitude and finesse of the game these politicians play. But the western cities can give a good account of themselves also. No one can live through elections in Circle City without feeling that out in the wide-open spaces we know our politics too.

OUR AMERICAN MAYORS

VIII. MAYOR GEORGE E. CRYER OF LOS ANGELES

BY JOHN T. MORGAN

Mr. Cryer has thrice been elected mayor of Los Angeles. Each reëlection was in spite of the opposition of the leaders who first gave him to the city. Hydro-electric power is practically the only issue.

To know George E. Cryer, mayor of Los Angeles, it is first necessary to know and understand Los Angeles itself, for it is hardly probable that Mr. Cryer would be chosen the mayor of a large eastern city, and it is beyond possibility that Los Angeles would select as its mayor, the type of official eastern cities ordinarily place in office.

Drawing its new citizens from the Middle West in the main, and from the state of Iowa in such numbers that the fact is made the subject of numerous witticisms, Los Angeles has doubled its population within the period of a few years and continues to grow rapidly. Still feeling old home ties, these newcomers take but a passing interest in Los Angeles political affairs. They apparently care little who heads the city government so long as the Southern California sun continues to shine and their real estate investments prove profitable. They decline to become excited over municipal elections.

POLITICAL LINES LOOSELY DRAWN

The resulting situation is that the Los Angeles lines of political demarcation are loosely and indistinctly drawn. There is but one permanent political issue, municipal ownership. Other issues come and go, but they are always minor and never lasting. With 90 per cent of its population native-born Americans and the greater proportion of these coming from stock of several generations of residence in this country, there is no racial issue. The only large colony of foreign-born is the Mexican, and it displays no interest in civic affairs. Elections are conducted without red fire, shootings or stolen ballot box scandals. The question of religion, a paramount issue in many other cities, seldom makes its appearance in a campaign and, when it does, only in the form of whisperings which receive little attention and are of no effect.

Between elections, the city goes about its business, giving little thought to affairs at the city hall beyond the universal grumbling over tax bills. During campaigns it listens somewhat impatiently to the usual declamations of the out's who desire to become in's and the in's who desire with equal fervor to remain such, gives a snap decision and returns to work. Those citizens whose interests are directly or indirectly affected by the conduct of the municipal government of course pay strict attention the year round. They are many in number but few in comparison to the bulk of the city's population.

Los Angeles has six metropolitan daily newspapers. At times one or more of these publications become vociferous in denouncing this or that in connection with the administration in power. Laying the groundwork for the next municipal campaign, two of these papers representing the out's are busily engaged at present in criticising Mr. Cryer, his policies and his political

friends. The amusing feature of their attacks is that one of them, the *Los Angeles Times*, was responsible for Mr. Cryer's first election to the mayor's chair, and the other, the *Evening Ex-*

MAYOR CRYER DISPENSING CALIFORNIA'S FAVORITE FRUIT

press, aided and abetted its contemporary.

MAYOR CRYER DISCOVERED

M. P. Snyder was mayor of Los Angeles from 1919 to 1921. He is one of the city's well-known business men and had been mayor twice before, once for a two-year term beginning in 1897 and again in 1903. During his first two terms, Mr. Snyder, known as "Pinky," was credited with being a "silk stocking" mayor. He was friendly with the conservative elements of the city. Then, elected for a third term, he was charged, rightly or wrongly, with being too close to elements which had a great deal to gain from police leniency. These elements distrusted him because of his previous record in office, and the conservatives turned against him because of his reputed new alliances.

With the cards thus stacked against Mr. Snyder, *The Times*, to the utter surprise of the wise ones, brought forth George E. Cryer as a candidate for mayor. Mr. Cryer is an attorney. For several years he was chief deputy district attorney for Los Angeles county. Previous to this, he was an assistant United States district attorney, and a deputy city attorney. His name was well known to news readers, incidental to his labors as a responsible yet minor official. Otherwise, he had registered very lightly on the public mind previous to his becoming a mayoralty candidate. Few knew where he stood on public questions, and included among the many who apparently lacked such knowledge was Mr. Harry Chandler, wealthy publisher of *The Times*, one of the large figures in the political and business life of California, implacable enemy of municipal ownership and sponsor of Mr. Cryer.

With the conservative forces of the city, *The Times*, the Southern California Edison Company and the old guard Republicans supporting him, Mr. Cryer defeated Mr. Snyder by a narrow margin in the final election. In the primary Mr. Snyder was given a larger vote than Mr. Cryer but, with the elimination of minor candidates,

Mr. Cryer won in the general election. Mr. Chandler and his corporation friends were very happy over the result. They imagined they had a man in the mayor's office who would be tractable and amenable to reason. Shortly they were completely disillusioned.

SURPRISES BACKERS BY FAVORING MUNICIPAL OWNERSHIP

Almost before he had accustomed himself to the furniture in the mayor's office, Mr. Cryer began this process of disillusionment. He announced himself to be a firm friend of the municipal department of water and power, competitor to the powerful Edison Company and extremely distasteful to Mr. Chandler, especially the power division of the department. He became the political friend and ally of Senator Hiram W. Johnson. Mr. Chandler and Senator Johnson hate each other with a hatred so bitter and consuming that it has become a tradition in the political life of California. Senator Johnson denounces the Edison Company as being a large and vicious tentacle of the power octopus.

Mayor Cryer has become a leader in the movement for the Boulder Canyon project for the building of a great dam on the Colorado River. Mr. Chandler and the Edison Company lead the Southern California opposition to the plan. The mayor was the Southern California chairman for the campaign committee of Governor C. C. Young, a Johnsonite who defeated former Governor Friend W. Richardson, Mr. Chandler's personal possession, at the last state election in 1926.

Mr. Chandler and his friends started Mr. Cryer on the political highway, but at the first crossroads he took the wrong turn as far as they were concerned and never has looked back. That Mr. Cryer failed to follow the course marked out for him on the municipal ownership issue has been painful to his original backers, for it is this issue, with its many ramifications, local, statewide and national, in which Mr. Chandler and the Edison company are especially interested. It is probable that outside the municipal ownership question they care but little who runs the city's business so long as they are in a position to obtain desired street improvements and other minor favors. But when it comes to the city entering the power business, or making a bid for electricity from the proposed Boulder dam, they shudder with horror.

This shuddering began when Los Angeles built the Owens Valley aqueduct, going 250 miles north into the snow-capped High Sierras to obtain a water supply sufficient to keep pace with its astonishing growth. Immediately it was found that in its course from the mountains to the city, the aqueduct has a 3000-foot fall, thereby creating opportunity for the generation of hydro-electric power. When a plan for the construction of power generating plants to take advantage of this opportunity was announced, the Southern California power corporations, of which the largest was and still is the Southern California Edison Company, marshalled their forces in opposition. Mr. Chandler supported the aqueduct, but looked with disfavor on the power phase of the project. Municipal ownership advocates won their fight, and five such municipally-owned plants have been built.

THE FIGHT WITH THE EDISON COMPANY

This opposition has continued throughout the years and has resulted in many bitter and spectacular political battles. Time and again the people of Los Angeles, voting on bond issues or other propositions in which the municipal ownership issue was involved, overwhelmingly have indicated their

approval of the city's course, but the Edison Company and Mr. Chandler never have given an inch except when forced. In 1922, the municipal ownership forces won a major battle to have the city purchase and take over the Edison Company's Los Angeles distributing system, thus making the city a real factor in the power field. Forcing the Edison Company beyond the Los Angeles boundaries, the municipal bureau of power and light lowered rates to its customers and caused its one remaining competitor, the Los Angeles Gas and Electric Corporation, close ally of the Edison Company, to do likewise.

Today the battle has extended to the Boulder dam project and has become nation-wide in its scope. The Los Angeles power corporations, closely related to the National Association of Public Utility Corporations, have called on that powerful body for aid in preventing passage by congress of the Swing-Johnson bill for the development of the water and power resources of the Colorado River. This bill provides that the government shall construct a high dam at Boulder Canyon, thus providing not only vitally needed flood protection for the fertile Imperial Valley, but hydro-power available for purchase by Los Angeles and all other sections of the Southwest.

It is readily understandable, then, how Mr. Chandler is so strenuously opposed to the Swing-Johnson bill and to Mr. Cryer. The mayor has come to be one of the forceful leaders in the campaign for the bill, and Mr. Chandler has at least two moving reasons for wishing it to be defeated. One reason is the All-American Canal provision in the bill which, if enacted, will have the effect of safeguarding the domestic and irrigation water supply of American citizens in Imperial Valley, California. The All-American Canal project, Mr. Chandler fears, may interfere with his plan of developing, with cheap Mexican peon and Chinese coolie labor and in competition to the American farmers, some 800,000 acres of Mexican land just below the border now possessing a decided advantage over the American ranches in the matter of a water supply from the Colorado River.

The second reason is that of Mr. Chandler's business associates, the private power corporation men. The power corporation operators naturally realize the tremendous hydro-electric possibilities of the Colorado River. Consequently, they desire to monopolize the dam building and operating business on the river, and bitterly oppose the suggestion that this work be carried forward by the government. Mr. Cryer is the mayor of Los Angeles and as such his leadership in the Boulder dam fight has helped materially to advance the campaign for this project. This fact has caused Mr. Chandler and the Edison Company much grief and, undoubtedly, they look back to 1921 and wish they had picked another man to run for mayor—any other man.

In no other large American city could such a political accident have happened. Mr. Chandler and his friends, and the public as well, would have known to which "gang" he belonged, where he stood and where he was going to remain to stand. It is not likely that Mr. Chandler will make this same mistake again, but the voters, having placed their hands in the grab bag and, luckily, drawn something to their liking, as has been evidenced by their twice returning Mr. Cryer to office, will, in all probability, blithely repeat the performance at first opportunity.

EFFORTS TO DEFEAT CRYER

That Los Angeles really likes George Cryer, despite mistakes of his admin-

istration, was thoroughly demonstrated when he was reëlected for the second time. His first reëlection was practically by default, Mr. Chandler and his friends apparently not having recovered from the shock of their candidates' "desertion"; but in 1925 they made a heroic effort to displace Mr. Cryer.

Inducing Federal District Judge Benjamin F. Bledsoe to resign, they pitted him against the mayor and spent much time and money in a vain attempt to gain control of the city hall. Their choice was an unfortunate one, for Judge Bledsoe, dictatorial on the bench and possessed of a Wilsonian belief in his own destiny, campaigned in such a way that he lost supporters more rapidly than *The Times* and its allies could manufacture them. The judge was president of the Los Angeles Grand Opera Association, held teas for women campaigners, permitted sewing thimbles to be given away as gifts to feminine voters and equivocated at length on the Boulder dam issue. Cryer supporters plastered the city with posters caricaturing Chandler and Bledsoe and captioned "Harry calls him Ben." Again Mr. Cryer was reëlected at the primary despite the fact that there were three other candidates in the contest. The conclusion may be drawn that Los Angeles likes its mayors plain, not fancy. Mayor Cryer's elections in 1921 and 1923 were for two-year terms; his 1925 election, in accordance with a change in the city charter, carried with it a four-year term.

THE MAYOR ANALYZED

George Cryer is plain, in the best sense of the word. He appears to be unassuming to the point of bashfulness. He is accused of lack of decision, but his friends say that there is no foundation for the charge, that he merely declines to take snap judgment and that, judicially rather than executive-minded, he demands of himself that his conclusions be certain and well supported before he acts. Personally he is well liked even by those who attack his administration most vigorously. He is a Presbyterian, went to church regularly before he became a candidate for office and still goes. He plays golf and likes it. During the Spanish War he enlisted and was the first sergeant of a company of California volunteers. "Top kickers" usually have minds of their own. Mr. Cryer makes mistakes, but seldom makes the same one twice.

When he first took office he was a halting and hesitant public speaker, but, while he will never be an orator, he soon developed into a pleasing and facile talker. He has come to realize the vital necessity of publicity for political success but, nevertheless, appears inwardly embarrassed when called upon to participate in some publicity "stunt." His appointments to Los Angeles municipal offices have not always resulted fortunately, but when analyzed have revealed good and practical reasons. At one time he was called upon to fill a vacancy in the presidency of the board of harbor commissioners. He sought a business man of real qualifications for the position, but could find no one of sufficient size who would accept the appointment.

One, Edgar McKee, a real estate dealer, appeared at the mayor's office, armed with a sheaf of recommendations a foot thick and containing endorsements from scores of the most responsible bankers and business men of the city. Not impressed with McKee, the mayor continued a diligent search for a man fully qualified for the post, but without success. Finally he appointed McKee. Later it became necessary to remove McKee, it having been found he had accepted a suit of clothes from persons seeking favors of the board.

Mr. Cryer was strenuously attacked, but barely mentioned the fact that the position had gone begging for weeks.

The Los Angeles mayor was born in Nebraska and was brought to California by his parents when a child. He was graduated from the University of Michigan Law School. Forty-six years of age when first elected mayor and fifty-two now, Mr. Cryer makes no secret of the fact that he is ready and willing to step down from his executive position. His ambition is to become a member of the supreme court of the state. With the Johnson-Young administration in power the ambition may be gratified. In any event, it is practically certain that the mayor, in 1929, will decline to be a candidate to succeed himself.

In making up his mind that he is through in so far as municipal politics are concerned, Mr. Cryer very likely was influenced by a natural desire for promotion in the public service, but the character of the recent attacks upon his administration by *The Times* and its little brother, *The Express*, has convinced him that public officials whether they be good or bad, right or wrong, lead miserable lives. Los Angeles has the largest area of any city in the world. It is a community composed of small communities. Within its boundaries are Hollywood, where motion pictures are made and where the residents find it difficult even to remember the name of the city's mayor, and San Pedro, the city's port, twenty miles away.

Like a ten-year-old boy still clothed in rompers, Los Angeles needs boulevards and highways, street lights and other improvements. The city must dress itself as becomes its size. Residents of one neighborhood petition for paving or ornamental lights. Residents of another neighborhood want additional police protection. They are unanimous and persistent in these desires. All these things cost money, and when the tax bills are sent out there is a wail which makes a calliope sound like a whisper.

To point out that the taxpayers themselves gave the order and that they must pay the bill avails nothing. To cite the fact that Los Angeles has the third lowest tax rate of any of the twelve largest cities of the nation, merely brings upbraidings.[1]

Mr. Cryer has said that he wishes to resign his office because of the illness of Mrs. Cryer, but the continual pounding of the hammer wielders, the out's who want in for their own purposes, undoubtedly has brought the mayor to the point where he is anxious to relinquish the job of being a target in an exhibition where he has no more chance than the colored boy sticking his head out of a hole in the canvas at an amusement park sideshow. The boys heave tomatoes at him and he cannot dodge.

[1] Editor's Note. — C. E. Rightor's adjusted comparative tax rates published in the December Review do not give Los Angeles quite so favorable a position.

A MUNICIPAL PROGRAM FOR COMBATING CRIME

BY BRUCE SMITH
National Institute of Public Administration

The city's part in the fight against crime.

THE objection may be raised that there is very little that the municipality, of its own motion, can do to reduce the number of serious law infractions within its borders; that prosecutors, courts, sheriffs, coroners, and jailers are for the most part under state or county control; that the penal law and code of criminal procedure are state-wide in their effect, and may be revised only through action by the state legislature. These things are true and, so far as is known, there is nowhere a serious intention to bring any of such matters within the exclusive sphere of municipal authorities.

There are two fields, however, over which the municipal government may exercise a considerable influence. The causes which underlie the commission of criminal acts, if they once can be identified, may be profoundly influenced by city departments without too much dependence upon other administrative agencies; and the local police forces are now almost everywhere under direct municipal control.

As between the elimination of crime causes and improvement in police administration, it is probable that the latter offers the greater immediate opportunity. The things which make for crime are deeply imbedded in what we loosely term "human nature," and run through the whole warp and woof of our social institutions. There is scarcely an unwholesome external influence which, at some time or other, has not been identified as a cause of criminality. While it is clearly the task of the municipality to attack these matters with vigor, it is just as clear that positive and substantial results can only be secured after years of unremitting effort.

It is otherwise with the police. They are more readily affected by administrative action. In fact, they are highly responsive to all of the many influences which are brought to bear upon them, both official and unofficial. If the unofficial influences have sometimes become so strong as virtually to control the functioning of the police force, the municipalities have themselves to blame. With a few partial exceptions, they have provided neither a sound organization nor a sound discipline.

It therefore would appear that the police provide the natural focus for municipal efforts directed at combating crime. What, then, is the present status of police administration in the cities of this country? What has been accomplished and what things have been left undone? One might well hesitate to commit oneself to generalizations in such a broad and varied field, but it is believed that the statements of fact which follow are at least substantially true.

POLICE CONTROL

We find that police boards as devices for multiple control are slowly

but surely disappearing, particularly in the larger cities. In their stead, however, is a marked disposition to combine police, fire, health, weights and measures, and sometimes building inspection service, under a single administrative agency, bearing the engaging title of "department of public safety." This, of course, is a necessary expedient under commission government charters, but it is also becoming fairly common under mayor and council charters, and occasionally under the commission-manager plan as well. As a result, the old problem of securing continuity of administrative control remains with us, as well as the question of how to distinguish between the proper fields of the civilian and technical heads of the force. Multiple police control has reappeared in a different guise.

It must be conceded that there is a certain theoretical justification for vesting control of the entire public safety function in a single commissioner. There is, without question, a certain degree of coöperation required between a police and fire department, or between a police and health department. But a scheme for coöperation which depends upon continuous amicable relations between independent authorities is clearly faulty. The consolidation of these various services under a single commissioner may be viewed as an attempt to meet the situation. Beyond this point, the disadvantages of this system heavily outweigh its single theoretical advantage. The difficulty involved in trying to differentiate between the proper fields of the public safety commissioner and the police chief is generally recognized. Another objection arises from the fact that the commissioner of public safety is usually an official bird of passage, while the police chief customarily enjoys a much more extended tenure of office. Changes of administration bring new commissioners into the picture, men who are unfamiliar with police administration, but who proceed to impose their views upon police headquarters. Under these circumstances, conflicts are natural and almost inevitable. They finally become the outstanding feature of police administration in the cities where this plan is followed.

Where the commission form of government has been adopted, it is difficult to see how anything can be done to cure this police problem without changing the entire scheme of government under which the city operates. Elsewhere, however, a vigorous and courageous handling of the matter will satisfy practical police needs without extensive charter revision. If the cities which have consolidated their public safety services, as well as those which have set up civilian and technical heads of their police departments, will meet the issue squarely and provide a single responsible administrator with complete powers and sufficient guarantees of official tenure to protect him against removal with each change of administration, a very substantial advance will have been made.

There is great concern in some quarters as to what official qualifications should be demanded of such a police executive. There are those who believe that he should be recruited directly from the police force. To these, it should be sufficient to answer that the job of the police administrator is after all rather remote from that of the professional policeman. Others maintain that the administrative head should be drawn from outside the force, from groups which are alien to the deadening effects of police routine. These seek their administrators among certain professional groups, such as the law and the military, without any

great confidence that they are on the right track.

It is submitted that the key to the situation is to be found in establishing security of tenure for the administrative head. That obtained, the official himself may be recruited from a considerable number of callings. The essential things are that he shall be vigorous and resourceful in thought and action, of unblemished integrity, and possess marked capacity for handling men, because the essence of police administration consists in the intelligent direction of personnel. As time goes on, the administrator will acquire and develop a technique of police administration. When that time comes, the police department will be on a sound basis so far as overhead control is concerned, and a beginning will have been made towards a solution of the municipality's police problem.

THE CIVIL SERVICE QUESTION

It must be admitted that a complicating factor appears at this point. We have been contemplating a police system which commits itself to direct and single responsibility for police management. In the vast majority of those cities having civil service commissions, responsibility for the selection, promotion, and discipline of police personnel is divided between the police authorities on the one hand, and the civil service commission on the other. And in a practical sense, the civil service commission possesses the larger half. Here is a problem which must be faced squarely. It is submitted that if there is any solution short of complete exclusion of civil service control from police affairs, it will be found in confining the civil service commission to the duty of eliminating, by competitive examination, those police applicants who are palpably unfit. To concede to them the power virtually of selecting individual recruits or officers is to trim down the powers of the administrative head to a point where the office will no longer attract men of marked capacity. Thus the vicious circle is completed.

For many years we have been concerned with problems of civil service reform. The time seems to have come for a reform of civil service.

UNIFORMED PATROL

Turning now to the major aspects of police service, we are confronted with the fact that continuous and systematic patrol threatens to become a vanishing institution. The addition of new and burdensome police activities, of which traffic control is a striking example, has withdrawn large numbers of men from patrol duty. Establishment of district stations without regard for modern facilities of transportation and communication has had the same effect. Every police station requires from ten to fifteen officers and men to operate it during a given 24-hour period. These are necessarily drawn from the patrol force. Special details, public office assignments, replacements for those on sick leave, rest days, and vacations are drawn from the same source. The patrol force has come to be viewed as a vast reservoir of manpower. Special and temporary duties almost necessarily take precedence over routine patrol.

Here is a serious condition. We are in danger of losing sight of the fact that crime repression, through continuous patrols, is fundamental to all police work. Yet there are now large cities in which less than half of the patrol posts are covered. In some cases, the men on station duty actually outnumber those who are patrolling beats. Foot patrol beats embracing two square miles and twenty miles of streets are not uncommon. In short,

the patrol force has been progressively diluted and dispersed until those who remain are unable either to familiarize themselves with their beats or to apply that continuous pressure which serves so effectively as a deterrent to certain types of criminal acts. It is suggested (though the fact clearly cannot be proved) that here may lie one of the causes of our so-called crime waves.

These facts and these conditions are not unrecognized. There has been insistent demand in police circles for material additions to the police quota. But if additional manpower was not forthcoming, the matter usually has been allowed to rest there. It is a fact, however, that the effect of a substantial increase of patrol personnel may be secured by a vigorous pruning of special details, the consolidation of patrol districts, and a close adaptation of patrol methods to local requirements. Practical adaptation of fixed post duty and of circular and straightaway beats, the uses of foot and motor patrols, and of patrol booths, modern means of communicating with patrols, maintenance of reserves, redistribution of the patrol force throughout the 24 hours of the day, in accordance with proved need,—all these may be studied and reviewed with profit. They constitute the very bone and sinew of the police organism.

CRIMINAL INVESTIGATION

The detective bureau is coördinate with the patrol force only in an administrative sense. Actually it supplements the latter. With certain notable exceptions, the detective bureau does not function unless and until there has been a failure by the patrol force to repress crime. Because criminal investigation captivates the fancy and is relieved of the routine features of patrol work, the detective bureau is likely to be far more completely manned than is the patrol force. It is generally assumed that criminal investigation requires greater intelligence than patrol. This may be a debatable question. But it is certain that it requires a different type of individual. Here again, however, the cut and dried methods of civil service control have failed to operate with any selective effect. The nature of detective service demands certain qualities which, in the present state of our knowledge, can best be tested in the actual performance of detective duty. To select detective personnel by means of a set examination and then make it difficult or impossible for superior officers to return them to patrol, represents the last word in futility.

Some of the considerations entering into the distribution of uniformed patrols apply with almost equal force to criminal investigations. The hard and fast system of district detectives is seriously weakened when these are evenly distributed over the police districts of the city. Under this plan, certain district detectives may daily be assigned as many as ten or a dozen complaints for investigation. Successful investigations are clearly impossible. It may fairly be questioned, however, whether any serious attempt to this end is made in the majority of cities. The information available indicates that close supervision of detective work by qualified superiors is the exception rather than the rule. Assignment records are rarely maintained. Chiefs of detectives often are merely superior operatives who attach themselves to the investigation of especially important cases or to cases which bulk large in the public eye. Bureau clerks sometimes succeed in partially filling the gap. They assume the prerogative of assigning cases and keeping personal memoranda concerning them. By such expedients, many detective bureaus are saved from chaos.

It is clear that in the cities where these conditions prevail, an effort should be made to systematize detective operations from top to bottom. There will be nothing superhuman about the task. Probably no other sphere of police administration has received more intensive study. Record forms covering the assignment of cases, daily reports, and progress reports exist in wide variety and nearly all are adequate. Nothing is needed but a directing intelligence.

CRIME PREVENTION

As already indicated, the matter of crime prevention merits the closest attention from municipal authorities, since it is one of a very few of the really constructive features of criminal justice administration. No program for combating crime which does not include it can be considered complete. Crime may be prevented, however, only to the extent that the actual and underlying causes are removed. Some of these, such as the suppression of the liquor and narcotic traffic, are matters which primarily concern the police. There are other features, however, which appear clearly beyond the sphere of the police, but which are nevertheless well within the scope of municipal jurisdiction. The prompt and efficient relief of actual distress, the gradual elimination of degrading conditions of housing, provision of facilities for juvenile recreation by means of strategically located playgrounds,—to these matters the municipalities may apply themselves in the confident belief that they will eventually be influential in reducing crime.

There is emphatic demand in some quarters that the whole concept of police service be revised so that the rank and file of the force may devote their efforts to prevention rather than to repression or apprehension. This view overlooks the fact that social welfare agencies exist in great number and variety. To project the police into their field would serve further to complicate a situation which is already complex. Furthermore, it might fairly be doubted whether a police force consisting largely of social workers armed with police powers would possess the stern qualities required to deal effectively with certain types of offenses and offenders.

It therefore seems reasonable to conclude that the police may best serve the ends of crime prevention by familiarizing themselves with the type of work performed by all of the social welfare agencies of the community, both public and private. With this accomplished, the usefulness of the patrolman on his beat will be greatly increased. As the eyes and ears of the city government, he will serve as a highly useful reporting agency, and many conditions which now receive no attention will be brought to the notice of competent authority. But because social welfare agencies operate only during the hours of the business day, the police should also be prepared to relieve certain cases of acute distress of their own motion and on their own responsibility. The police department, which operates at all hours, is in a position occasionally to render real constructive service in this manner.

The creation of women's bureaus in police departments in recent years has resulted in a few substantial contributions to police technique. That such bodies of women police officers do not constitute a complete solution of the crime prevention problem is, however, abundantly clear. The extension of women's bureaus to all but the very smallest police departments should be actively encouraged. But the point cannot be stressed too strongly that from the necessities of the situation

police forces must continue to be stern guardians of law and order, and recruited, organized, trained, and equipped accordingly.

POLICE TRAINING

Finally, the attention of American cities might well be directed to the matter of police training. The rise and development of police schools probably constitute the greatest achievements of police administration in the past twenty years. A generation ago, it would have been necessary to argue the advisability of formal instruction for police recruits. It is not necessary to do so today. The early opposition of police administrators has almost disappeared. A number of admirable police training schools have been established not only by some of the larger cities, but also by several of the states maintaining police forces. So far as is known, all of these are open to the members of other police departments. Moderate advantage has been taken of the opportunity thus offered.

It still remains true, however, that the promising extension of police schools has been somewhat retarded in recent years. There appear to be two reasons for this condition. In the first place, the smaller police forces naturally find it difficult or impossible or organize, man, and operate their own training units. In other cities, where by reason of larger police quotas these considerations do not apply, the difficulty lies in the fact that police administrators are likely to be unfamiliar with pedagogical methods and procedure. One is likely to find the liveliest appreciation of the value of police training as an abstract proposition, but little or no grasp or comprehension of the actual course to be followed in order to secure it. There are instances of otherwise imposing police schools which employ the catechism method of instruction. There are other cases where the training period has been so frequently interrupted by demands upon the recruits' time that the schools themselves have virtually suspended operation. The widest variety of curricula still prevails. Time devoted to instruction ranges from one week to three months. The idea that a police training program consists largely of setting-up exercises, the simpler forms of military drill, and memorizing the location of police telegraph boxes, proves most persistent.

There are, then, two problems presented. The difficulty of establishing training units in the smaller police departments is clearly insuperable. If the members of these police forces are to receive systematic instruction in the policeman's art, it must be at other hands than those of their immediate administrative superiors. Cities which fall into this category can best meet the situation by requiring their police recruits to attend a police school operated by another municipality or by the state.

The problem of raising the standard and improving the curriculum of police schools operated by the larger cities is one requiring more extended consideration. It is submitted that the proposal made a few months ago by the New York State Crime Commission may offer a possible solution. The commission recommended that the board of regents be given the power and the duty of licensing and supervising police training schools throughout the state; that the board engage the services of an inspector who should give his assistance to any police department desiring to establish a police school or to improve one already in existence, and who should periodically inspect all police schools and certify those which maintain satisfactory standards. The commission further

recommended that no member of a police force in the larger cities should be promoted to the rank of lieutenant, captain, inspector, or to equivalent grades, unless he should have completed a course of instruction in an approved school for police.

In making these proposals, the New York State Crime Commission intended that the larger cities of the state should be offered two alternatives; either to establish a satisfactory training unit of their own, or to turn their police recruits over to competent hands. It is not intended, of course, that such training should be required of a policeman prior to every promotion to which he might aspire, but merely to close the doors leading to the higher ranks and grades to those policemen who joined the force subsequent to the establishment of the plan and who had not at some time satisfactorily completed an approved course of police instruction. By these means, the commission hoped that the whole standard of police service might eventually be raised. It is certain that no program for the improvment of police administration can be complete without serious regard being given to the matter of police training.

CONCLUSION

The foregoing matters represent a few of the salient features of police administration to which municipalities may apply themselves in their efforts to combat crime. They all have an important, and some have an intimate bearing upon the question. It is probable that in many jurisdictions, state legislative action may be necessary in order to clear the decks for such a program. With one or two exceptions, however, the cities should experience little difficulty in securing the necessary charter revisions.

The fact that the suggestions here presented are rather numerous should not be allowed to obscure the fact that in the last analysis success in police administration depends upon sound organization and competent direction of personnel. For these two there is no satisfactory substitute. The methods employed in the selection, training, advancement, and discipline of the rank and file actually condition the kind of police service that is rendered, day and night, year in and year out.

The police stand in the first line of defense against crime. If that line holds, some of the pressure upon all of the other agencies of criminal justice will be relaxed, and the way will be open for thoughtful and orderly improvement in the entire process, from apprehension to punishment.

RECENT BOOKS REVIEWED

THE CALIFORNIA PLANNING ACT OF 1927. With Notes and References by Charles Henry Cheney, Secretary, California Conference on City Planning, Member American City Planning Institute. Pp. 67.

The enactment of the California Planning Act of 1927 is a long step forward in the city planning legislation of this country. Most of our laws with regard to city planning commissions, the city plan and platting are crude and chaotic, as recently they were with relation to zoning. First in zoning and now in this branch of planning law, the department of commerce at Washington has begun the work of standardization, to the end that each state may evolve the law on this subject in the light of the best general practice in this country. Perhaps the greatest service which California has done the law of this country on this subject is in the intelligent use it has made of the standard act. It has by no means slavishly followed the form prepared in Washington more as a summary of the best thought on this subject than as an actual standard even for today, and much less for the indefinite future. On a few doubtful points it has adopted its own methods. In some ways it has conformed to Pacific coast ideas. To some extent it has followed the recent legislation of the state of New York, drafted with the aid of the Regional Plan of New York and Its Environs. Hereafter with the example of California before it there will be no excuse in any state for the crudities which so far have been the rule. The act is issued by the California Conference on City Planning in book form with helpful notes and references.

A few comments on the features of the California act in which it departs from the standard act may not be out of place. The "master plan," as framed by the commission, cannot in either act be varied contrary to the advice of the commission, except by a two-thirds vote of the local legislature; but it does not, in the California law, go into effect as soon as adopted by the commission; it must be passed by the local legislature. In this the California law would seem to the writer to be an improvement on the standard act. It is the modern practice, founded on experience and sound reasoning, to center power and responsibility. The old division of government among boards and commissions is, happily, obsolete. Even the requirement of a two-thirds vote by the council to overrule the commission is criticised by some. Any further step in this direction seems to the writer to be unwise and unnecessary. The council, holding the purse, has the real power in any event.

The commission has the right of approving plats, and may by its rules require the subdivider to leave areas unoccupied not only for streets but for other open spaces. He is not required to dedicate these spaces, however, but may make a notation on his plat that he has not done so. In this attempt to obtain small parks without infringing constitutional limitations the California act follows the New York laws; the standard act does not have this feature. To the writer the California adaptation of the New York law would seem to be inferior to it. The effect of the New York legislation is to give the commission a freedom of bargaining with the subdivider which the mere making of rules cannot do; and in the undeveloped areas adaptability is of great value, as the success of English methods in this field seems to show.

The California law adopts both the Standard and (to a considerable extent) the New York method of keeping buildings off mapped streets. It seems obvious, however, that some buildings will be constructed which do not need street connections, and no provision for such cases is made in California as it is in New York. Here again, in its anxiety to lay down fixed rules, this legislation seems to have sacrificed flexibility. Let us hope that developing practice on the Pacific coast will find some method of securing this most-essential attribute.

FRANK B. WILLIAMS.

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THE MECHANISM OF THE MODERN STATE. A Treatise on the Science and Art of Government. By Sir John A. R. Marriott. Oxford: Clarendon Press, 1927. 2 vols. Pp. xxiii, 596; xii, 595.

This extensive treatise deals primarily with the government of Great Britain and the British self-governing dominions; but also includes some discussion of general problems of political organization, and of governments in other countries, notably the ancient city-state of Greece,

the Swiss federation and the United States. On some subjects, such as federalism, second chambers, financial procedure and the judiciary, there are comparisons with conditions in still other countries; but there is no attempt at an all-embracing survey of governments throughout the world.

The author has been for many years fellow, lecturer and tutor in modern history and political science at Worcester College, Oxford, and is well known as the author of numerous articles on political subjects in the English quarterly and monthly journals and also of previous books on *Second Chambers* and *English Political Institutions*. In recent years he has been a member of Parliament from Oxford and York, and has served as a member of the Bryce Committee (Second Chamber Conference), the Committee on National Expenditures (1918), the Committee on Public Accounts and the Estimates Committees of the House of Commons. The work thus combines the training and methods of the academic student and teacher with considerable practical experience in political life.

In its general tone, the study is distinctly academic; and the author's attitude is in the main conservative, in a non-partisan sense, though he is at the same time a member of the Conservative party. Much of the contents are familiar to students of the subject, but important contributions are made on the subjects of composite governments, second chambers and financial procedure and methods. The final chapter is an interesting sketch of previous works on British government, by both domestic and foreign authors; and the appendix presents a number of typical documents and forms used in public business, with a selected bibliography of books and of articles by the author.

The one chapter on Political Parties is inevitably less thorough than Lowell's extended treatment of that topic. There are only brief references to Scotland and Ireland. And the discussion of financial procedure in the United States is based on Bryce's *American Commonwealth*, and shows no knowledge of the important changes made by the Budget and Accounting Act of 1921.

Two chapters on local government (in which readers of the NATIONAL MUNICIPAL REVIEW will be interested) give a useful general survey of developments, but add little or nothing to the information in other works, and reflect no special study of this field.

JOHN A. FAIRLIE.

THE GOVERNMENT OF EUROPEAN CITIES (Revised Edition). By William Bennett Munro, Ph.D., LL.B. New York: The Macmillan Co., 1927. Pp. 432.

Professor Munro, in the numerous texts on various aspects of government which have come from his pen, has shown himself to be master of a fluent, readable, interesting, one might almost say, popular style. This characteristic lifts his texts above the usual classroom book and makes them available in no small degree to the general reader. *The Government of European Cities*, a revised edition of an earlier treatise on the same subject, is of the same general type as these other volumes. It deals with the complex details of the government of overseas municipalities in such a manner as to rob the subject of many of its terrors for the general reader. In a clear, lucid, racy style the book covers the cities of England and France in detail, while enough is presented as to the German and Italian cities to give the reader a general idea of their organization. The first edition was published eighteen years ago. In the meantime great changes have taken place both in the form and spirit of the European city, more particularly since the close of the war. The significance of these changes is very great. The revised edition carries the subject into the present and makes clear the extent of and the reasons for the recent changes.

Over three-fourths of the text is given over to a detailed treatment of British and French municipal history and institutions. Emphasis is placed, in addition to the historical developments of these cities, on their legal status and powers, central control, party systems, governing organization, permanent officials and municipal services. Individual chapters are devoted to London, Paris, and the Scottish and Irish cities. Professor Munro adds greatly to the interest of the American reader through a running comparison of English and French institutions and practices with those of the United States. This makes the volume understandable in a most worthwhile manner. Throughout the text the reader is constantly required to check and balance his American experiences against those of France and England. This is very helpful for classroom purposes.

One is slightly disappointed not to find a more adequate treatment of the German city. Only two chapters are allotted to this important experimental country in the field of municipal institutions; one chapter is devoted to German

cities before the war, another to German government today. This scanty treatment is in contrast to ten chapters devoted to England and eight to France. The book, the reviewer believes, would have been better balanced, at least for classroom purposes, if more attention had been devoted to the German city, a country so important in the field of municipal institutions. One chapter is devoted to the Italian city.

A final chapter, of much value to the student, covers the available source material and literature on the subject. This has been very carefully prepared according to countries and covers such subjects as bibliography, official publications, statistics, municipal corporation acts, periodicals, history, special studies and descriptions of present day governments. The instructor will find this indispensable.

The Government of European Cities in its revised form is a welcome addition to the general books on the subject. To the instructor of government interested in an elementary text in this field, or for supplementary reading in municipal or cooperative government, this volume meets the need.

RUFUS SMITH.

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PERSONNEL. By George R. Hulverson. New York: Ronald Press Company, 1927. Pp. 400.

This volume is intended as an elementary manual for business executives generally, and it is, therefore, a summary of the best known methods of personnel administration rather than an attempt to advance the cause of scientific personnel management. In fact, Mr. Hulverson writes in considerable sympathy with the viewpoint of the ordinary man of business, who feels that after all the selection of employees is largely a question of common sense and good judgment, rather than of the use of instruments which measure ability and aptitude accurately.

As a rule he avoids expressing an opinion on controversial matters and endeavors to present to the reader the relative merits of the different methods which he describes. He recognizes personnel management as a major function and also the desirability of centralizing all employment activities, but concludes that as a practical matter, many such activities and much of the administration of personnel work must be left in the hands of departmental executives. He points out that in any case the personnel department must be placed so that it will be supported by some officer having real authority, preferably the chief executive, as any effort to centralize control of personnel results in a degree of restriction in the authority of departmental executives, and is doomed to failure unless sufficient authority lies behind it.

As is natural in a volume of this scope, some important topics are treated sketchily, as, for example, Methods of Judging and Testing Applicants, and the subjects treated in the chapter on Personal Service Work.

Job analysis procedure and the use of data obtained thereby are discussed in considerable detail. Other subjects covered include Building Up a Labor Supply, Employee Training, Training Supervisors and Salesmen, Transfer, Promotion, Separation, and Personnel Records. Seventy pages are devoted to wage rate determination and control, of which Mr. Hulverson writes with an appreciation of the employee's viewpoint, although he still clings to the ancient notion that women are merely a casual excrescence on the industrial body.

Discussion of matters which, according to the author, have not crystallized into a "definite and reasonably premanent form" has been excluded. Among these apparently are the matter of employee representation and the effect of trade unionism on wage rates, to which no reference is made.

A considerable amount of methods material, as charts, forms, and scales, based on those used by the four large commercial corporations which were studied by Mr. Hulverson, is included.

Executives who desire a broad survey of general personnel procedure will find this a useful book.

ELDRED JOHNSTONE.

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THE INITIATIVE AND REFERENDUM ELECTIONS OF 1926. Bulletin No. 107 of the National Popular Government League. By Judson King, Director. Washington, D. C., February, 1927. Pp. 14 (mimeographed).

This bulletin is generally similar to its two predecessors which reviewed the 1922 and 1924 elections. Its content is broader than the title indicates inasmuch as it deals with all the measures submitted to popular vote in the I. and R. states. It is a valuable summary and discussion of this material. The author's count, however, is not quite the same as the reviewer's. He omits two proposals of amendment and one

initiated measure voted upon in North Dakota, and attributes three other amendments to the initiative which the latter credits to the legislatures. But for such inaccuracies in handling this subject-matter, let him that is without error cast the first stone; the reviewer will not do it, for fear that the walls of his house are glass.

Some of the comments offered by Mr. King upon the circumstances and significance of the elections deserve attention. He believes the chief cause of the several recent overwhelming popular rejections of proposals for constitutional conventions is the fear of the people that the convention movements were backed by the opponents of direct nomination and legislation, and fear of the power of special interests through the use of money and publicity. But a good many people believe almost the direct contrary. The people of Iowa voted in favor of a convention a few years ago and the legislature refused to call it. In so far as Mr. King's contention applies to that situation, it would almost seem that the legislature saved the people from the possible bad outcome of a mistake by gallantly violating the terms of the Iowa constitution. Defeat of the convention proposal in Pennsylvania is not laid at the door of the friends of progressive measures. These are not I. and R. states, it is true.

Mr. King sees the emergence of a new kind of leadership on the part of citizens not engaged in ordinary politics through the use of the initiative in the fields of education, road building, public health, and reforestation, when the legislature has been lethargic.

On these matters Mr. King speaks from an acquaintance due to almost continuous study and no little personal investigation on the ground. That he is an ardent friend of the I. and R. goes without saying. He condemns outright no popular judgment. But he does not seem to do violence to the facts; it is only his interpretation which is eminently sympathetic toward what is sometimes called direct democracy.

RALPH S. BOOTS.

REPORT OF THE DEPARTMENT OF THE ASSESSOR OF THE CITY OF ST. PAUL AND THE COUNTY OF RAMSEY, 1926. Pp. 32.

This is a biennial report which is intended primarily to analyze for the benefit of the taxpayers of St. Paul and Ramsey County the methods used by the assessor in making real estate, personal property, and money and credits assessments. The report aims to show that the department in appraising property follows improved and scientific methods. The samples of office records in the form of cards and maps included enhance considerably the value of the report as a manual on assessment practice and procedure. In the opinion of the assessor, the determination of land values by the application of the market value theory is an absurdity. With the assistance of real estate experts the department worked out an adjustment of land values by establishing proper unit values in the several districts throughout the city. But the assessor does not present information as to the nature of the data used by these experts in determining the unit values. Corner influence, evaluating lots of varying depths, and the valuation of buildings are explained in detail. The report criticizes the method of handling complaints. The practice of the taxpayers appealing to the district court results in unfair advantages to individual taxpayers and frequently upsets many values. The assessor believes that the reëxamination of assessments by the State Tax Commission should precede such appeals to the district court.

MARTIN L. FAUST.

CHICAGO CIVIC AGENCIES. Union League Club, Chicago. 1927. Pp. 315.

This "directory of associations of citizens of Chicago interested in civic welfare" has been compiled jointly by the Public Affairs Committee of the Union League Club and the Committee on Local Community Research of the University of Chicago. It describes the census methods followed, which will be helpful to other cities undertaking a similar or comparable task. The agencies are classified by membership, governmental interests, civic interests, and localities. Other valuable features are lists of public officers of Chicago and Cook County, and a taxpayers' calendar.

RUSSELL FORBES.

CURRENT REPORTS

The Directory of American Municipalities for 1927 is useful as a directory to those interested in the names, titles and addresses of officials in the larger cities. This information is furnished by chambers of commerce and local officials and is revised by the publishers each year.

For some cities additional facts are given, such as population, date of next election, general historical data and other miscellaneous information. These facts cover, in one city or another, almost every conceivable item in any way connected with a municipality. This general information is, however, fragmentary, and it would be purely accidental if a particular item desired for a particular city were to be found. Thus, it cannot be depended upon for special information.

✱

Municipal Insurance, by O. F. Nolting, secretary of the Municipal Reference Bureau of the University of Kansas, is "a survey of the practices of cities in insuring their property and liability risks." The problem of insuring city-owned property is now receiving special consideration in many localities. Mr. Nolting's pamphlet, aside from dealing with a statement of the problem as such, presents methods of insuring and costs, losses and amounts. The last chapter is devoted to brief treatment of other kinds of municipal insurance.

The appendices contain an ordinance providing for the creation of insurance funds, the insurance funds for public buildings, data on municipal insurance for eighty-one cities, a table giving a comparison of workmen's compensation laws in thirty-nine states and in thirty-four cities, and a bibliography on municipal insurance. To anyone interested in the particular problem, the facts here set forth will be useful.

✱

Instructions for Municipal Accounting in Local Improvements and Special Assessments, by J. O. Cederberg, reprinted from *Minnesota Municipalities,* is publication No. 18 of the Minnesota League. The complete system to be employed by any municipality in Minnesota is explained and simple forms are given in detail. The information presented is of a practical nature and will be an important aid to municipalities in Minnesota. It will also offer suggestions to cities throughout the country.

✱

The Proposed Traffic Ordinance for Municipalities in Minnesota was drafted by a committee of the League of Minnesota Municipalities as a suggestive ordinance to be modified to meet varying local conditions. As differences between municipalities require only minor changes, the committee hoped to secure the uniformity necessary for safety on the highways. The pamphlet has been given wide circulation throughout the state in order that the general public may be informed of the rules and regulations most effective in securing a reduction in traffic accidents.

✱

A Report of the Minnesota Crime Commission is the result of the work of a committee appointed by the governor of Minnesota in January, 1926, to investigate existing conditions in crime, procedure and punishment and to make suggestions of ways in which existing evils may be corrected. The report contains the results of the investigation together with forty-four recommendations for improving the method of dealing with criminals.

✱

The Law of Special Assessments in Minnesota, by Harold F. Kumm, is a recent publication of the League of Minnesota Municipalities. The law as it is interpreted by the courts constitutes Part I and a summary of the statutory provisions, Part II. As the title indicates, the study is limited to Minnesota, but constitutes a complete and accurate account of the law of special assessments for all cities and villages in Minnesota with the exception of the four largest: Minneapolis, St. Paul, Duluth and Winona. The question of special assessments is so important, however, and information so scattered that any treatise on the subject, although limited in scope, should be of widespread interest.

✱

The Water Debt, a report on a liquidation of the bonded debt of the bureau of water in the city of Buffalo, N. Y., was submitted as a memorandum to that department by the Buffalo Research Bureau, and is one of the steps in its survey of the financial practices of the city government. Constructive suggestions of procedure are contained in the report, and six tables give a record of conditions as they exist.

✱

The Report on a Survey of the Rochester Public Market and Marketing Problem was presented to the commissioner of public works through the Rochester Bureau of Municipal Research. A brief introduction is followed by a history of marketing experience of Rochester. Division V contains a detailed survey of the present public market and is accompanied by a

map of its vicinity. Interesting tables show the financial status of the market since its establishment. A comparison with other cities completes the chapter. The appendix contains a proposed plan of operation for the Rochester Market Bureau and the market ordinance adopted by the city council on June 8, 1926. In parallel columns are shown the conclusions of the survey and recommendations on each.

*

Tax Rates, Assessed Valuations, and Exempt Property in Minnesota for 1927 is the third similar tabulation published by the League of Minnesota Municipalities. It is by far the most complete of the three, however. The state tax rate, tax rates in cities and villages, county tax rates and assessed valuations, exempt real property in Minnesota—all this information is taken from the records of the Minnesota Tax Commission and the state auditor, and is presented in detail.

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A Second Analysis of the Detroit Special Assessment Sinking Fund was prepared by the Detroit Bureau of Governmental Research at the request of the city controller and submitted in June, 1927. The report sets forth the condition of the sinking fund as of December 31, 1926. An interesting fact mentioned was a ruling of the attorney general that special assessment bonds come under the provision of the state bond law which forbids an issue of bonds of over $25,000 to be sold except at public sale. Thus the city of Detroit has not been complying with the law in selling its bonds. It has also failed to notify the state controller before the sale of special assessment bonds.

*

The Milwaukee Health Department is a forty-four-page pamphlet describing the work and organization of the city health department. It was published with the hope that it would not only be of assistance to various organizations studying city government, but also that it would explain to the Milwaukee public just what services the health department is in a position to offer.

*

Traffic Accidents and Their Causes is an annual report for 1926 by the Milwaukee Safety Commission. The statistics show a steady increase in the number of accidents in that city. The problem of accident prevention is found in every locality, and such suggestions as are contained in this report should be welcomed as a possible help in solving that problem whether in Milwaukee or elsewhere.

*

Indebtedness of Counties and Municipalities of the State of New Jersey, 1926, published by the Municipal Service Bureau, Plainfield, N. J., presents a table showing the debt situation in the political subdivisions of that state. The department of municipal accounts furnished the records from which the information was obtained and, although the figures are not guaranteed, they were taken from official statements submitted by local finance officers.

The headings of the different columns, which are clearly defined, are as follows: gross debt, school debt, total debt, assessed valuation, percentage of gross debt to assessed valuation, deductions allowed by statute, net debt under statutes, percentage net debt to three years' average, water debt and sinking funds or funds in hand.

The pamphlet should be of interest not only to those interested in the purchase of municipal bonds in New Jersey, but also to general students of municipal finance.

*

Public Accident Reporting is a recent pamphlet published by the National Safety Council and is a revision of Public Accidents Statistics issued in 1926. The purpose is set forth on the title page: "To present a standard accident reporting system for use by police, motor vehicles, and highway departments."

The system of reporting was started in 1925 and at the present time, fifty-nine cities and counties and one state have adopted it. A list of these is given on pages 25 and 26.

During 1925, about 90,000 people were killed by accidents in the United States. In 1926, there were nearly 23,000 deaths from automobile accidents alone. These figures with many others of a similar nature are used to prove the vital need for the adoption of measures to prevent as many of these accidents as possible. As the quotation on the cover states: "Accident reporting is the foundation of accident preventing." Therefore, it is felt that the facts presented by adequate reports will form the basis for the prevention of many similar accidents in the future.

ESTHER CRANDALL.

JUDICIAL DECISIONS

EDITED BY C. W. TOOKE
Professor of Law, Georgetown University

Municipal Functions—Sale of Gasoline.—On December 5, the Supreme Court handed down a decision in the case of the *Standard Oil Co.* v. *City of Lincoln*, affirming the right of a municipality under legislative authority engaging in the business of selling gasoline. The *per curiam* opinion bases the decision upon the prior decisions of *Jones* v. *Portland* (1917), 245 U. S. 217, which affirmed the right of the municipality expressly authorized by statute to maintain a public yard for the sale of wood, and of *Green* v. *Frazier* (1920), 253 U. S. 233, which sustained legislation of North Dakota, which provided for the state engaging in the business of manufacturing farm products, providing homes for the people and creating a state bank. Thus in the instant case the court accepts the judgment of the legislature as interpreted by the state courts upon the question whether a given use is public in its nature, so as to justify the exercise of the power of taxation or of eminent domain. In *Mutual Oil Co.* v. *Zehrung*, 11 Fed. (2nd) 887, decided in 1925, the district federal court held that the city of Lincoln under its home-rule charter had power to determine the expediency of engaging in the sale of gasoline without any express delegation of authority from the state legislature. [1]

*

Eminent Domain—Attempt to Limit by Contract.—It is a fundamental principle that a city may not contract away any of the governmental powers delegated to it. In *City of Maberly* v. *Hogan* (298 S. W. 327), the city brought a proceeding to condemn certain lands for street purposes, and the defendant set up a contract executed in 1908 by which he conveyed a part of the tract to the city upon its agreement to use and improve the lands so conveyed as a street and its covenant that the city would never take any more of the tract by condemnation proceedings. In holding that the covenant was void, and of no binding force whatsoever, the Supreme Court of Missouri especially relies upon the authority of the Supreme Court of the United States in *Pennsylvania Hospital* v. *Philadelphia* (245 U. S. 20, affirming 254 Pa. 392, 98 Atl. 1077) in which that court said: "There can be now, in view of the many decisions of this court on the subject, no room for challenging the general proposition that the states cannot by virtue of the contract clause be held to have divested themselves by contract of the right to exert their governmental authority in matters which from their very nature so concern that authority that to restrain its exercise by contract would be a renunciation of power to legislate for the preservation of society or to secure the performance of essential governmental duties."

This doctrine applies, of course, to the maintenance and control as well as to the opening of streets. (*Penley* v. *Auburn*, 85 Me. 278, 27 Atl. 158; *Chicago* v. *Union Traction Co.*, 199 Ill. 259, 65 N. E. 243.)

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Home Rule—No Power to Authorize Discharge of Tax Liens.—In *Hauke* v. *Ten Brook*, 259 Pac. 908, the Supreme Court of Oregon reversed a decree of the circuit court denying an injunction against the cancellation by the city of Astoria of certain special assessments liens levied against a private corporation. The city council, under a charter amendment purporting to authorize the act, passed an ordinance releasing the Astoria Box and Paper Company from existing liens against its property up to the amount of $150,000, for the purpose of assisting the corporation in its plans to build a large paper manufacturing plant. In holding that the amendment and ordinance were void, the court points out that the home-rule powers of the city are subject to the rule that all taxation must be equal and uniform and to the express constitutional provision against a municipality loaning its credit or giving aid to a private corporation.

The limitation upon the power of a state legislature to authorize a tax for the purpose of private interest instead of a public use has been settled since the decision of the Supreme Court in *Loan Association* v. *Topeka*, 20 Wall. 655. And

[1] See note on Extension of Municipal Functions in the August, 1926, issue at page 491.

no distinction can be drawn between direct pecuniary aid and aid by means of a release from a pecuniary burden. (*Jersey City* v. *N. Jersey City Ry. Co.*, 78 N. J. L. 72, 73 Atl. 609.) It may be noted that while these salutary principles are of uniform application in this country, Canadian municipalities may be given legislative authorization to make exemptions from taxation, or to give a bonus to manufacturing corporations located within their limits, no question of constitutional limitations being involved. (*Halifax* v. *Nova Scotia Car Works, Ltd.*, A. C. 992, 8 Brit. Rul. Cas. 171.)

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Police Power—Limitation of Rates of Public Utilities by Contract.—Under an application for a declaratory judgment, the Supreme Court of Connecticut in *New Haven Water Co.* v. *New Haven*, 139 Atl. 99, was called upon to construe a franchise contract in which as to the water company the rates were fixed for an indefinite term. In declaring that the company had a right to prosecute its claim for an increase of rates before the public utilities commission, the court held that the clause fixing the rates for an indefinite term was not a contract obligation even though authorized by statute, as the legislature may not directly or indirectly surrender the governmental powers of the state by contract.

The principle that the legislature may not contract away its control over rates of public service corporations is qualified by the federal doctrine that contract rates may be protected when the term is definite and not unreasonable in point of time. This temporary surrender of a portion of its police power is a very grave act; the authority must be plain and the intention to do so unmistakable. (*Paducah* v. *Paducah Ry.*, 261 U. S. 264.) Subject to the same qualifications, the state may likewise expressly authorize one of its municipalities to establish by inviolable contract rates to be charged by a public service corporation. But for the very reason that such a contract will result in extinguishing *pro tanto* a governmental power, both its existence and the power to make it must clearly appear and all doubts will be resolved in favor of the continuance of the power. (*Home Tel. Co.* v. *Los Angeles*, 211 U. S. 265.) As to the protection of the city's right to the maintenance of the contract rates, the state authority which confers the power may withdraw or modify its exercise. (*New Orleans* v. *N. O. Waterworks Co.*, 142 U. S. 79.) Outside of the home-rule cities the legislature may directly or through a public utility commission control the rates of municipally owned public utilities, and this principle applies to rates fixed by home-rule cities for services rendered beyond their boundaries. (*Hillsboro* v. *Public Service Commission*, 97 Ore. 321, 187 Pac. 617; *City of Lamar* v. *Town of Wiley* (Colo. 1926), 248 Pac. 1009.)

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Streets and Highways—Regulation of Vehicles for Hire.—The wide extent of the power of cities to make all reasonable regulations for the operation of vehicles for hire on the public streets is illustrated in several recent cases. That such carriers may be classified and each class made subject to special rules was held by the Supreme Court of West Virginia in *Charleston-Ripley Bus Co.* v. *Shaffer* (137 S. E. 360). That bus lines may be restricted to the use of certain thoroughfares so as to prevent competition with established transportation lines was sustained by the Federal Circuit Court of Appeals, Eighth Circuit, in passing upon the validity of an ordinance of Oklahoma City in the case of *People's Transit Co.* v. *Henshaw* (20 Fed. (2nd) 87).

That taxicabs, like the earlier hackney coaches, may be placed in a class by themselves and subjected to special regulations is supported by the uniform weight of authority. The recent spread of the movement to require the owners of taxicabs to take out indemnity insurance has resulted in numerous test cases, two of which deserve passing notice. In *State* v. *Deckebach*, 157 N. E. 758, the Supreme Court of Ohio affirmed the denial of a writ of mandamus to compel the auditor of Cincinnati to issue a permit to a taxicab owner who had failed to comply with the ordinance requiring an insurance policy or bond of indemnity as a condition precedent to the grant of a license to operate his car for hire. The court sustained the power of the city to pass the ordinance on the general grant to municipalities by the state constitution of "authority to exercise all forms of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations as are not in conflict with the general laws." As the use of the highways for commercial purposes is not a right but a privilege, the grant of the general power to regulate traffic carries with it the plenary power to impose the conditions under which such use shall be exer-

cised. In fact no vested right to the commercial use of the highways can be acquired which will not be subject to the exercise of the police power, a power that the municipality cannot contract away. [1]

That the nature of the security to be given is solely within the discretion of the authority which enacts the ordinance is held by the Supreme Court of California in *Kruger* v. *California Highway Indemnity Exchange* (258 Pac. 602), decided July 27, rehearing denied August 25, 1927. The ordinance of the city and county of San Francisco in question provided that the policy of insurance or bond should guarantee the payment of any judgment obtained against the owner, irrespective of his financial responsibility or any act or omission on his part. The owner in question took out a bond with the defendant, one of the terms of which obligated him to give timely notice of the accident, pendency of action, etc. The facts showed that the plaintiff had received a judgment against the owner without the knowledge of the defendant, owing to the failure of the owner to give the agreed notice. In affirming the right of the plaintiff to payment of his judgment by the surety company, the court held that while the lack of notice might have been a defense if the owner had brought an action on his bond to compel the defendant to reimburse him, it could be no defense in the present action by the judgment creditor, as its contract so far as the plaintiff was concerned was to pay the judgment. The police power extends to the control of the right of freedom of contract in cases of this kind; the city has a right to prescribe that an acceptable bond shall be given only by approved sureties and may reasonably fix the terms which such sureties must include in the bonds they execute to comply with the requirements of the ordinance.

Torts—Liability for Nuisance Existing in Street.—Among the recent cases affirming the positive duty of a city to keep its streets in a condition safe for travel and its consequent liability to one injured through its failure to perform such obligation, the most important is that of *Klepper* v. *Seymour House Corporation and the City of Ogdensburg*, 158 N. E. 29. In this case the New York Court of Appeals sustained a judgment of $37,500 in favor of the plaintiff who was injured by snow and ice sliding from the projecting roof of the hotel upon her as she was passing on the sidewalk. The decision is supported by a long line of precedents in New York beginning with *Weet* v. *Brockport* (15 N. Y. 161) in 1856. In *Cohen* v. *New York City* (113 N. Y. 532, 21 N. E. 700), decided in 1889, the storage of a wagon in the street by license of the city was held to be a nuisance and the city held liable for injuries occasioned to a pedestrian who was struck by the falling of the thills. In *Spier* v. *City of Brooklyn* (139 N. Y. 6, 34 N. E. 727), decided in 1893, the city was held liable for injuries inflicted upon the plaintiff's property by the explosion of a rocket, which was fired from a public street under a permit granted for such an exhibition. This New York doctrine of the absolute liability of the city for failure to use due care by permitting a nuisance in its streets has been generally followed, except in a few states which were influenced by the New England doctrine of immunity for defects in streets except so far as imposed by statute.

In contrast to this decision may be noted a recent case in the Court of Appeals of Ohio, *Kreiger* v. *Village of Doylestown* (158 N. E. 197), in which the municipality was held not liable for an injury to a pedestrian who was shot by some patron of a shooting gallery operated in the public street under permit of the authorities. The Ohio Court seems to have lost sight of the nuisance doctrine and to have based its finding upon the immunity of a municipal corporation for failure to enforce its police powers. While the theory of the plaintiff's case was predicated upon negligence, the allegations of the complaints were sufficient to sustain a liability for breach of a positive duty in any jurisdiction where the system of common law pleading still prevails, but under the so-called liberal code system of Ohio the court held that the plaintiff must fail because he alleged the negligence of the village. In the Klepper case, also under a system of code pleading which applies the principles of the theory of the case, the highest court sustained the judgment although the plaintiff's case was based upon the theory of negligence and was thus submitted to the jury by the trial judge. "Nuisance and negligence," says the New York Court of Appeals, "at times so nearly merge into each

[1] *In re Cardinal*, 170 Cal. 519, 150 Pac. 348; *Huston* v. *Des Moines*, 176 Ia. 455, 156 N. W. 883; *West* v. *Asbury Park*, 89 N. J. L. 402, 99 Atl. 190; *Commonwealth* v. *Thebarge*, 231 Mass 386, 121 N. E. 30; *Lutz* v. *New Orleans*, 235 Fed. 978; *Northern Pac. R. R. Co.* v. *Duluth*, 208 U. S. 583; *Packard* v. *Banton*, 264 U. S. 140.

other that it is difficult to separate them. A cornice, such as that in this case, may be a nuisance by means of its danger to passers-by on the street, and at the same time the owner may be guilty of negligence in permitting snow and ice to accumulate upon it and fall in heavy mass upon the heads of people below. The existence of a nuisance in many, if not in most instances, presupposes negligence. These torts may be, and frequently are, coexisting and practically inseparable, as when the same acts constituting negligence give rise to a nuisance." It is to be hoped that the Supreme Court of Ohio will reverse the lower court and hold the village of Doylestown liable upon the clear and logical principles set forth by the New York Court of Appeals.

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Zoning—Effect of Application for Permit Prior to Enactment of Ordinance.—In *State* v. *Christopher* (298 S. W. 720) the Supreme Court of Missouri declared constitutional the 1925 zoning ordinance of St. Louis and reversed the lower court which had issued a peremptory writ of mandamus to the defendant, the building commissioner of the city, to grant a permit to the Oliver Cadillac Company to erect in a residence and apartment district a building for use as an automobile salesroom. The allegations, admitted for the purpose of the decision, showed that land in the area had largely lost its value as residence property and had become more valuable for business; that the proposed structure complied with all the other building regulations, and that the application for the permit was made shortly before the ordinance went into effect. Under the facts of the case, it is not strange that the decision was by a bare majority of the court, three of the judges dissenting. Justice Graves wrote an able dissenting opinion, in which he caustically comments on the acceptance of modern theories of the police power by his majority associates. A similar decision, holding that a zoning ordinance may forbid the granting of permits, applications for which have been made prior to its adoption, was handed down recently by the Supreme Court of Louisiana in *State* v. *Harrison* (114 So. 159).

Independently of the constitutionality of these ordinances it seems that the writ of mandamus might have been upheld in both instances if the petitioners were entitled to their permits at the time they filed their applications, and the failure to issue them was arbitrary and unreasonable. In the recent New York case of *Carlton Court* v. *Switzer* (221 N. Y. App. Div. 799), a mandamus issued by the Supreme Court directing the building inspector of New Rochelle to issue a permit under similar circumstances was affirmed. It appeared that the delay of the inspector in this case was for the purpose of giving the council time to amend the ordinance so as to exclude the applicant. But clearly in the absence of bad faith on the part of the city officials, applications made after the ordinance is passed and before it becomes effective, or those filed in contemplation of the imminent enactment of such an ordinance, should not give the petitioner any right to a permit, especially if the reasonable time the administration officials have to act upon them has not yet expired.

PUBLIC UTILITIES

EDITED BY JOHN BAUER
Director, American Public Utilities Bureau

The St. Louis and O'Fallon Recapture Case.—This case has been discussed and its importance emphasized in previous numbers of the REVIEW. It involves the fundamental considerations that enter into valuation for railway rate-making and the recapture of excess earnings under the federal statute. The Interstate Commerce Commission had fixed a valuation of the St. Louis & O'Fallon Railroad Company's properties according to general principles adopted for the administration of the 1920 Transportation Act; primarily upon the prudent investment basis.[1]

The company appealed to the federal courts against the commission's order requiring the payment of excess earnings to the railway reserve fund under the terms of the Transportation Act. It claimed the right to a return upon the reproduction cost of its properties. The matter was argued on October 5, 1927. The commission was sustained in the decision of the court made December 10, 1927. The company lost in its claim for reproduction cost.

The importance of the case can hardly be exaggerated. It is a test case, involving all the railroads in the country, and will determine whether workable and financially sound policies of valuation can be legally established for state public utility regulation in general. As to the immediate financial results, it limits the railroads to the sums determined by the Interstate Commerce Commission; about $10,000,000,000 less than would be the case under reproduction cost. But it involves much more as to future policy and consequences. It permits the establishment of a definite rate base which can be readily administered and which will provide for the financial stability necessary to furnish the returns reasonably expected by investors and to attract the new capital as needed for new railway developments. The reproduction cost basis would be extremely difficult if not impossible of administration; it would require repeated valuations both for rate-making and for the recapture of excess earnings and would thus practically nullify the purposes of the system of regulation as established by Congress. From the financial standpoint the reproduction cost would promote extreme speculation in railway stocks during a period of rising prices and would impair the credit of the companies and create disorganization during falling prices. It would make impossible of realization the far-reaching system of regulation prescribed by Congress.

The case involves also the practicability of public utility regulation in general. If reproduction cost must be used as the rate base for regulation of ordinary utilities, the administration will be almost hopeless and there will be the same financial difficulties as in the case of the railroads. While the O'Fallon case applies only to railroads and is based upon the federal statute, the same questions of practical administration and financial stability are involved in all regulation. The reproduction cost does not permit effective and sound regulation. If a workable policy can be established by legislation for railroads, it can be provided by legislative action for regulation of all utilities.

The case will, of course, be carried to the Supreme Court of the United States. The company will naturally be supported by all the railway and public utility interests of the country. Likewise the Interstate Commerce Commission should be supported by all of the state commissions, municipalities and persons interested in effective and sound methods of regulation. The final decision will be easily the most important one handed down in a generation. It is probably a matter of considerable advantage that the decision by the lower federal court is in favor of the public interest and that the case will reach the Supreme Court through appeal by the company rather than by the Interstate Commerce Commission.

Those who are especially interested in the problems at issue may profitably study the Interstate Commerce Commission's brief submitted to the federal court in this case. It consists of 259 pages of closely printed matter. It covers comprehensively the entire problem of regulation from the economic, administrative and legal standpoints. Its discussion is extremely clear and

[1] For more detailed analysis of methods see the NATIONAL MUNICIPAL REVIEW, May and July, 1927.

the arguments forceful. It emphasizes especially the public aspect of transportation; that railroads constitute in reality a public enterprise; that the properties and their uses are public notwithstanding the private interests and titles. This view is supported extensively by quotations from Supreme Court opinions. A differentiation is made between railways and other utilities because of the paramount public character of the railroads, the peculiarity of the problem of regulation, and especially because of the legislative provisions enacted during the long period of our national struggle with railway rate control.

The brief presents also an excellent historical analysis of the various Supreme Court cases dealing in general with valuation and rate-making. It shows that the court has always held to the conception of "fair value" without fixing specific limitations or prescribing specific weight for the various elements. It insists that the fixing of rates is a legislative function, and that the courts are ultimately concerned not with the methods and processes used, but only with the consequences,—whether in fact the rates are confiscatory. With this conception, the commission contends that the rate base can be fixed by legislation and by the commission according to the practical requirements for administration and the financial needs to establish financial stability and to procure the necessary capital for railway developments and improvements. This view was sustained by the decision of the court. If finally upheld by the Supreme Court, it will permit the Interstate Commerce Commission to carry out its responsibility in a sensible way, and will indicate to the states how to put regulation of other utilities upon a workable basis.

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New York Law Prohibiting Gas Service Charge Unconstitutional.—The traditional gas rate has been a flat charge per hundred or per thousand cubic feet of gas used. This system has been under discussion for a number of years, and has been often criticized as unjust to large consumers or to users served for special purposes and circumstances. It has been attacked particularly because it causes a loss on very small consumers who do not use sufficient gas at a flat rate to pay the out-of-pocket costs incurred directly for their service.

THE THREE PART RATE

The attack has come mostly from the companies and large consumers. A three-part differential rate has been frequently proposed and has the support of a special committee of the National Association of Railroad and Utilities Commissioners. The essential part includes a threefold separation of the total costs incurred in the manufacture and distribution of gas: (1) consumer costs, (2) demand costs, and (3) commodity costs. The first group consists of the various costs which are practically the same for each consumer no matter whether he uses a large amount of gas or only a few hundred feet; meter reading and repairs, customers' bookkeeping, billing and collecting, all charges directly identified with individual consumers and directly variable with the number of consumers. The second group contains those expenses and fixed costs which vary according to the maximum hourly use of gas; it depends upon the relative demand made upon plant requirement and use. The last group includes the cost of labor and materials directly consumed in connection with the production and distribution of gas.

The first two elements of the three-part rate would be represented as a constant sum for each consumer without regard to the quantity of gas used; the burden per thousand cubic feet becomes less as the quantity consumed increases. The third element, however, would remain as a flat rate per thousand cubic feet without variation as to quantity used, but would be much lower than the level of the single flat rate. The schedule as a whole would present considerable differentiation of rates between groups of consumers. While the three-part rate has made considerable headway in recent years, especially in favorable comment the single flat rate is still the prevailing method of charging for gas used, with some modifications in respect to successive blocks of gas consumed. The first element of the three-part rate, however, has come up for extensive discussion. This appears especially in the so-called service charge. This has been urged by the companies to stop the alleged losses incurred in behalf of small consumers, and has usually been placed at $1.00 per consumer per month. It has been opposed by the large group of small consumers affected as excessive and unwarranted, and has thus incurred strong political opposition in the interest of the small consumers.

SERVICE CHARGE PROHIBITIVE BY STATUTE

In the state of New York, in 1923, the legislature directly prohibited a service charge (Public Service Commissions Law, Section 65, Sub-

division 6). The same subdivision, however, provides for a "fair and reasonable price" to be charged for gas; another makes legal a classification of rates according to quantity of use, the time of use, the purpose, duration of use, or "any other reasonable condition." There is thus wide statutory scope for diversification of rates as warranted under various conditions, but there is a prohibition of a special service charge as such.

The prohibition of the service charge was involved in a recent case decided by the United States District Court, Western District of New York. The Niagara Falls Gas and Electric Light Company in 1924 filed a three-part rate with the Public Service Commission, which rejected the schedule because it included a service charge. A large prospective consumer brought action for injunction to restrain the commission from enforcing its order made under the statute prohibiting the service charge. There was also an intervening plaintiff, and the company itself supported the plaintiff.

The decision was rendered on November 4, 1927, and was based upon the report of a special master who had made an extensive investigation of the facts. It granted the injunction and thus rendered invalid the statutory prohibition of the service charge. The court found that without the service charge the company is estopped from allotting the cost of production to the consumer in equal proportion and is prevented from earning a reasonable return upon its property; and that the large consumers are required to pay more than the cost of their service and are thus deprived of their property rights. The statute was found to be arbitrary as applied both to the large consumer and the company, and is thus regarded as causing an impairment of property rights.

The decision apparently applies only to the particular case and does not legalize the service charge in general so far as the New York statute is concerned. The case will be appealed for a final decision to the Supreme Court of the United States. For all practical purposes, unless the decree is reversed, the decision will destroy the statutory prohibition and will make the service charge not only available as a part of the rate structure, but probably compulsory upon the commission whenever proposed by a company.

ENCROACHMENT UPON LEGISLATION

The chief public interest in the decision is its apparent encroachment upon legislation. There had been left wide latitude for adjustment of rates to meet not only the requirements of a fair return to the company, but also differential conditions affecting various classes of consumers. There was only the one thing prohibited, and yet the single prohibition was found to be confiscatory in its consequences. All the other possibilities of rate modification,—according to quantity, time of use, purpose, duration of use, or other grounds except the single basis of service charge,—were found inadequate to overcome the claimed confiscatory effect of the law. It does seem that under the circumstances a clever financial analyst might have found a substantial substitute adjustment for the single prohibited factor. The statute, in fact, seems to invite methods of adjustment or contravention so long as in mere terms no service charge is included in the rate schedule.

A rather unusual aspect of the decision is the outright recognition of a property right on the part of individual consumers,—even a prospective consumer has a right to such rates as not to include any costs properly allocable to other consumers. This in general is reasonable; but to draw the exact limits of such costs is difficult, and to hold that the principle cannot be carried out except through the adoption of a service charge as such, appears to go far along the way of judicial determination of facts.

If the law had fixed a flat rate for gas, and had prohibited any modification whatever, either as to quantity, time of use, etc., then there probably would be force in the contention that a single flat rate would injure the rights of the companies or groups of consumers. But when the statute expressly provides for flexibility in several specific respects, the prohibition of the service charge might well be viewed as a matter of special legislative policy not to be disturbed, even if it is a political foible, except upon very conclusive evidence in a particular case that substantial rights are injured. The decision does seem to place rather strict limits upon legislative discretion.

REASONS FOR SERVICE CHARGE

As to the justification of a service charge, apart from the statute, there is reason for it and there is no substantial ground for the statutory prohibition. Every company does incur certain costs which vary almost directly with the number of consumers and are properly covered by a service charge; so much per consumer per month according to the cost. But when such a charge

is expressly forbidden, probably in every instance a rate schedule could be established, nevertheless, to meet substantially a proper allocation of costs between different classes of consumers,—if the quantity of gas, time of use, purpose, duration of use and other conditions as provided by the statute, may be taken into account in fixing the schedule. As a matter of fact, evasion is easy; in a number of instances the schedules provide for $1.00 per month for 200 cubic feet or less of gas used,—which would appear more than an ample substitute for a service charge.

Perhaps the chief reason for the statute was the excessive service charge proposed by most of the companies. The usual amount has been $1.00 per month, which the writer firmly believes is unwarranted in practically all cases. There are probably very few instances in which all the costs properly included in a service charge amount to more than 30 cents per month per consumer. Such a moderate charge would meet little or no objection. Its fairness could not be disputed, and it would not have met legislative opposition. In reality, therefore, we have had first, unwarranted action by the companies; second, unreasonable action by the legislature to stop the unwarranted action by the companies; and, third, unreasonable action by the courts to stop the unreasonable action by the legislature to stop the unwarranted action by the companies, —and thus collapses the house that Jack built.

There appears to be an extensive movement on the part of gas companies to fix a service charge. The Boston Consolidated Gas Company, for example, has announced a service charge of $1.00 per month, effective January 1, 1928, and it will doubtless meet severe opposition. If the companies could be reasonable, they doubtless would succeed in obtaining recognition of the service charge upon a proper basis. There should, of course, be reasonable rate differentiation based upon proper cost allocation and apportionment, but the extent and the basis should be determined by scientific analysis and not upon arbitrary schedules,—nor upon arbitrary legislative prohibition.

NEED OF SCIENTIFIC ANALYSIS

This whole matter needs extensive investigation from a scientific standpoint. Unfortunately very little scientific study has been made. Apart from the general theory of the service charge, no factual analyses have been prepared. Unfortunately, even the commissions have given sanction through loose use of figures to the acceptance of $1.00 per month per consumer. This appears in the illustrations used by the special committee above referred to in discussing the three-part gas rate. While there was no special validity in the illustration, yet it indicates the conception in the commissioners' minds and tends to support the unproved claims oft-repeated by the companies for the particular $1.00 charge. Why deal in generalities? Why not determine the cost according to the facts in each case, and fix the service charge accordingly?

GOVERNMENTAL RESEARCH CONFERENCE NOTES

EDITED BY RUSSELL FORBES

Secretary

Printed Proceedings of Annual Meeting.—The proceedings of the sixteenth meeting of the conference, held in New York City on November 9, 10 and 11, have been mimeographed and are now ready for distribution. The proceedings are given to members, but may be secured by non-members, at the cost price of $2.00 per copy, from the secretary of the conference, 261 Broadway, New York City.

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1928 Work Programs.—Next month's issue of the *Notes* will give the 1928 work programs of a number of the research bureaus.

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Municipal Research Abandoned in China.—H. C. Tung, director of the Bureau of Municipal Research at Woosungtseng, China, in a recent letter to Lent D. Upson, announces the abandonment of his work on account of political conditions:

> Under the changing conditions, no organization can be permanent here. It is therefore with deep regret that I inform you that the National Institute of Political Sciences has been abolished and the Bureau of Municipal Research naturally discontinued. All those municipal pamphlets and bulletins collected by me during the last four years have been taken over by the municipality of Hangchow; but efforts are being made to take them over by the National Municipal League of China because that collection is the only collection we have in China and is of much value to us.
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> The National Municipal League of China is an association organized by the returned students of municipal government both from the States and Europe, with the object of introducing Western methods to apply to Chinese municipal administration, and of promoting the development of municipal science. This League is modeled after the National Municipal League of the States.

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Boston Finance Commission.—The commission has issued the report of L. O. Cummings, assistant professor of the Graduate School of Education, Harvard College, on the objectives of a survey of the educational system of the city of Boston and the probable cost.

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California Taxpayers' Association.—The California Taxpayers' Association on November 23 delivered to the Santa Paula City Committee of the Association a research study covering an analysis of past growth and expenditures for a fifteen-year period and a projected ten-year financial program from 1927 to 1937. A study was also included covering the past and present expenditures of the elementary, kindergarten and high schools of the Santa Paula districts. School costs were shown in relation to the ten-year financial program.

The primary object of the survey was to determine how the funds of the city were expended in the past, what the trend of these expenditures had been, and from this past experience the ten-year financial program was projected. Past experience indicated the probable expenditures for the ordinary expense of government. To this was added the amount necessary to take care of the desired improvements. The whole plan was coördinated on a basis of progressive development within the ability of the taxpayers to carry the burden. The Santa Paula report provides another example of the long-term budget for public improvements, coördinated with the necessary expenditures for the ordinary cost of government.

On December 1 Harold A. Stone became staff engineer. Mr. Stone is a graduate of the School of Citizenship and Public Affairs of Syracuse University, and has recently been connected with the Municipal Research Bureau of Cleveland.

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Citizens' Research Institute of Canada.—The proceedings of the annual convention of the Canadian Tax Conference were published December 15. Orders for additional copies have been received from all over the Dominion, as well as a considerable number from the United States.

The first of the annual series, "Cost of Govern-

ment in Canada" (municipal), has been issued. The second of the series (provincial) is now in course of preparation.

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Bureau of Business and Government Research, University of Colorado.—The Colorado Municipal League is conducting a high school essay contest on the topic "Civic Needs of My Town." Cash prizes are to be offered for the winning essay. The contest closes January 15, 1928.

A comparative study of budgets and appropriation ordinances in Colorado cities is being made.

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Taxpayers' Research League of Delaware.—The League has continued its preparation of material for the proposed new finance code for the state, on which it is working in coöperation with a committee of the Delaware Bankers' Association. Additional work has also been done for the Delaware Industrial School for Girls on its purchasing, accounting, and budget system.

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Des Moines Bureau of Municipal Research.—The Des Moines Bureau of Municipal Research has completed a report comparing various items of expense of the local county hospital system with those of private hospitals in this city. All the public hospital facilities have been consolidated into one county hospital system which embraces the tuberculosis sanitarium, contagious hospital, and general hospital with some outpatient activity.

This report was made at the request of the county. It merely compares costs and not services rendered. It was found that the county hospital payroll expense was higher per patient day than that of the private hospitals by reason of the employment of graduate physicians and nurses, instead of internes and pupil nurses as in the private hospitals, and by reason of a higher salary scale for pupil nurses. The county hospital authorities say that this situation will be adjusted as soon as the nurses' training school has acquired standing and the county hospital system has become firmly established in its accredited rating. On the other hand, the per patient day costs for provisions, medical supplies, and other items, were lower than those in the private hospitals.

Detroit Bureau of Governmental Research.—A philanthropy has recently appropriated $50,000 to the Detroit Bureau which is to be spent on behalf of the committee on standardization of police crime statistics of the International Association of Chiefs of Police. This committee, of which Chief William P. Rutledge of Detroit is chairman, has as its purpose the securing of uniform comparable statistics of major crimes over the United States as a means of measuring the effectiveness of police departments and of indicating possible methods of crime prevention. Bruce Smith of the National Institute of Public Administration has been appointed director of the study. Lent D. Upson of the Detroit Bureau of Governmental Research will serve as chairman of the advisory committee consisting of representatives from the United States Census Bureau, United States Department of Justice, and other organizations interested in the project.

The Bureau has just completed a study of a pay-as-you-go plan for Detroit schools and is discussing the project with school and city authorities. Under the proposal the change could be made over a thirty-year period without increase in the present tax rate for school construction purposes. By adopting pay-as-you-go, there would be a saving to the taxpayers at the end of the thirty-year period of some $93,000, and a yearly saving thereafter of $4,000,000. The change would also permit a gradual increase in the city debt for other than school purposes.

The county authorities recently presented an ordinance to the voters placing the county upon a pay-as-you-go basis. The Bureau directed the attention of numerous civic organizations to certain defects of the ordinance and pointed out that as much as $42,000,000 might be taken from the taxpayers in the ten years. In conference, the county auditors agreed to eliminate a reserve fund of ten million dollars; to submit the capital items in the county budget four months in advance so that they might be reviewed by the civic organizations; and to prepare a ten-year construction program. The project was defeated by a narrow majority, and the Bureau is now taking up with the county authorities a plan for preparing a long-term construction program and embodying the aforementioned safeguards in the ordinance voted by the people rather than in a supplementary resolution by the supervisors.

Recent changes in the state law governing the retirement of teachers have made necessary a revision of the Bureau's report on the teachers'

retirement fund. This report showed an existing actuarial deficit of about $8,000,000. Since it is impractical to make up this sum, the Bureau is recommending that money contributed by teachers, and returnable to them upon resignation, be held intact, and that funds be made available to pay present pensioners until their death.

The governmental committee of the Board of Commerce, consisting of some thirty civic organizations, is this year extending their analysis of the Detroit city budget. The requests of each department will be reviewed by a separate committee of citizens, a professional researcher acting as secretary to each committee. A consolidated report to the mayor and city council will be formulated by the secretaries, C. E. Rightor, chief accountant of the Bureau, being chairman of this group.

Recently there has been considerable discussion of the prices paid for private property condemned for public purposes. At the request of a number of civic organizations, the Bureau has undertaken a study of the entire condemnation procedure.

A recent change in personnel in the division of municipal wastes has resulted in the minimizing of labor-saving machinery, notably in the use of street-sweeping machines, catch basin cleaning devices, hauling by street railways instead of by truck, and the salvaging of waste material in lieu of hauling. Since the Bureau has been urging the adoption of modern methods by the department for many years, it is naturally much concerned in this reversal. A study of the situation is being prepared for the incoming administration.

The recent mayoralty campaign was fought out on issues which had little or nothing to do with the administrative character of the local government. In some quarters it is believed that if the choice of mayor is to be thrown definitely into the political-arena, with newspaper rivalries playing an important part in the election, administrative continuity should be secured by employing a city manager. At the request of the Board of Commerce, the Bureau has prepared a memorandum indicating the advantages and disadvantages to Detroit of such a change in the charter.

A detailed analysis of over 200,000 arrests made in Detroit over a five-year period is being prepared. This study throws considerable light on the criminal proclivities of various racial groups, the ages at which crime is committed, and the criminal progress of the recidivists. The analysis is expected to be the forerunner of the study of arrest records as a larger source of information in crime prevention.

At the request of the Detroit Real Estate Board, the Bureau has undertaken a study of the tract index department of the county which issues abstracts of titles at cost. Indications are that the budget of this department will be considerably revised, the number of employees reduced, and the charge for abstracts increased.

Recent Bureau publicity covers "The Squeal Book," by Lent D. Upson, in the NATIONAL MUNICIPAL REVIEW; "A Promising Field—Research in Government," in the *Commerce Magazine* of the University of Wisconsin; and "Reports, Memoranda and Publications of the Bureau" and "The Cost of County Government," issued as *Public Business*, numbers 113 and 114.

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The Albert Russel Erskine Bureau for Street Traffic Research, Harvard University.—The Bureau, under the direction of Dr. Miller McClintock, is bringing to completion the "Report of the Mayor's Street Traffic Survey of the City of Boston." This survey was started early in 1927 on the initiative of Mayor Malcolm E. Nichols, and is under the general supervision of a traffic advisory committee of 40 prominent citizens.

The expense of the study was provided by a special appropriation of the city council, and the work has been done by the staff of the Erskine Bureau, together with the employees of the various departments of the city government. The Boston Chamber of Commerce has contributed the services of Ellerton J. Brehaut, director of its Civic Bureau. It is estimated that the report will exceed 300 pages in length, and will follow in general the method of presentation used by the Erskine Bureau in its reports upon the cities of Chicago and San Francisco. It is anticipated the report will be published early in the year, and will be available for general distribution.

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The Municipal Reference Bureau, University of Kansas.—The Bureau announces the publication of two bulletins in mimeographed form as follows: "Courses in Municipal Government in

Colleges and Universities," and "University Bureaus of Municipal Research." Both bulletins were compiled by O. F. Nolting, former secretary of the Bureau.

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National Institute of Public Administration.—The Cincinnati Bureau of Municipal Research has undertaken to outline a program for the revision of the financial procedure of the city administration including budget, special assessments, and accounting. William Watson, Philip Cornick, and A. E. Buck of the National Institute of Public Administration have been retained by the Cincinnati Bureau to assist in this work.

Bruce Smith is making a study of rural justice in Illinois for the Illinois Association for Criminal Justice.

The Institute has just completed a study of public utility taxation in Virginia. Clarence Heer was in charge of the work. The study of county government in Virginia, made by the Institute at the request of Governor Byrd, is shortly to be published. Copies may be obtained from J. H. Bradford, director of the budget, Richmond, Va.

Clarence E. Ridley has recently been added to the staff of the Institute to fill the position of engineer made vacant by the resignation of William A. Bassett, who is now professor of municipal and industrial engineering at the Massachusetts Institute of Technology. Mr. Ridley is a graduate of the Institute, was city manager of Bluefield, W. Va., for four years, and was at one time vice-president of the City Managers' Association.

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The Ohio Institute.—In a memorandum submitted to Governor Donahey in November, the Ohio Institute suggested changes in the dates of collection of several state taxes. The object of the proposed changes is to bring the receipts into the state treasury more evenly throughout the year, and thereby have cash on hand, in the general revenue fund at all times, to pay the state's payrolls and bills.

At present during the first half of the calendar year (which will be the fiscal year in 1928) the expenditures are considerably more than twice as great as the receipts. During the first six months of 1926, state general revenue fund expenditures were $11,364,000, while receipts were only $4,826,000. The 1926 receipts did not accumulate sufficiently to cover 1926 expenditures until December. Such conditions, of course, are unsatisfactory. The present general property tax is only for one year to meet a deficit and therefore does not apply to the situation previously described.

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St. Louis Bureau of Municipal Research.—The Bureau recently completed a preliminary report on civil service in St. Louis under the city Efficiency Board. The report was published shortly before a luncheon meeting held by the League of Women Voters, at which the principal speaker was Fred Telford, director of the Bureau of Public Personnel Administration. The meeting was well attended and much interest in personnel matters was manifested by those present. The Bureau's report furnished some of the topics for round table discussion which was participated in by the chairman of the Efficiency Board.

Officials of the Efficiency Board have shown considerable interest in the Bureau's study and have indicated a willingness to coöperate by favorably considering suggestions to improve the service.

The Bureau is preparing a complete tabulation of all pavements in the city, showing the age and area for each type, with a view to determining the average life of various types of pavements and whether the average volume of construction is adequate to replace pavements before the maintenance cost becomes excessive. Studies are being made of the operations of the pavement maintenance sections.

A detailed study of the operations of the bituminous pavement section, which maintains and reconstructs asphalt paving, was recently completed. A preliminary report was prepared in which several suggestions were made to improve operating methods and to develop an effective system of operating and cost records. The preliminary report has been submitted to and discussed with the director of streets and sewers. A final report will be prepared as a result of the discussions.

Following suggestions in the Bureau's reports to the former administration and discussions with the present administration, eight motor flushers have been purchased and put into service by the street cleaning section.

The director of streets and sewers recently requested the Bureau to suggest a system of adequate records for motor flushing. This study

is nearly complete. A report of the suggested procedure for maintaining all street cleaning records, including sample record forms, will be submitted in the near future. The Bureau later expects to study the comparative efficiency and economy of various methods of street cleaning now being used in St. Louis.

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Toronto Bureau of Municipal Research.—The report dealing with motor accidents has been issued and received considerable comment in the daily press.

Following a report of the city council's special committee on assessment, in which it was recommended that the citizens be asked next election day to vote on whether or not they wished assessment reform, the Bureau issued an open letter in which it respectfully suggested that it was part of the duties of the city council to decide whether or not heads of departments were competent and that this question should not be passed on to the people. A very warm fight ensued in council. The Bureau's attitude was quoted several times. It is interesting to note that the council finally took the stand that they should decide the question, not the people.

Following the request to the city council by the chief of police for 600 extra policemen, and the various reports that the city was greatly under-policed, the Bureau is collecting considerable material dealing with police systems in various Canadian and United States cities, and in some cities in England comparable in size to Toronto.

A bulletin dealing with civic election questions has been prepared and will be issued shortly.

Subscribers who bind their copies of the

National Municipal Review

may receive the annual index for 1927 on application. Libraries on our mailing list receive the index without specially requesting it. Our former custom of sending the index to all members has been discontinued.

NOTES AND EVENTS

Cincinnati's Second Councilmanic Election under Its City Manager-Proportional Representation Charter.—On November 8, Cincinnati administered a third decisive defeat to the local Republican organization which for so many years controlled her municipal government. The voters not only elected to council six of the nine candidates sponsored by the non-partisan City Charter Committee which had initiated the present city manager government in Cincinnati, but also expressed their confidence in the charter administration by approving bond issues amounting to $8,688,000. Bond issues had been repeatedly voted down under the former so-called "gang" control. The Republican organization elected only two candidates to the city council, the ninth man elected being an Independent. This is the more significant in view of the fact that at the same election the Republican organization candidate for a vacancy in Congress was elected by more than 14,000 votes over the Democratic candidate and more than 19,000 votes over an Independent candidate.

The twenty-four candidates for city council consisted of three groups, nine sponsored and endorsed by the City Charter Committee, nine organization Republican candidates of whom seven were sponsored and named by the organization, the other two being independent Republicans sponsored two years ago and again this year by the charter group. These two charter candidates were endorsed by the Republican organization, though at the last, the rank and file of the Republican organization did not support them. Of the eight independent candidates, two were negroes, two were Republican councilmen in the pre-city manager days, one was a former coroner, one a Democratic politician, and one (the Independent elected) was a well-known municipal court judge, a Republican who was refused the official party endorsement.

Capitalizing the popularity of the present city manager and the city manager plan, the Republican organization pledged allegiance to the manager and the plan of government and promised to continue the undisputed progress of the past two years. They also promised to continue in office and coöperate with the present city manager, C. O. Sherrill, and to exercise individual judgment in municipal legislation instead of subjecting policy questions to party caucus. The Independents likewise pledged themselves to support the plan which is so successfully operating.

The City Charter Committee, which fathered the present house-cleaning régime, based the campaign for its candidates on the plea that the group which initiated the movement, which secured the present city manager and has successfully operated Cincinnati's government for the past two years, should be returned to power. They questioned the sincerity of the sudden conversion of the Republican organization and termed the presence of several high calibre men on the Republican ticket (later defeated) as whitewash merely applied to secure control of the city government again.

The results of the election, which is by proportional representation, gave the City Charter Committee six of the nine councilmen. Mayor Murray Seasongood, the picturesque leader who, as one speaker said, "fired the gun heard round the wards," secured the highest vote, namely, 24,121 votes, the quota being 12,429. The chairman of the Hamilton County Republican Central Committee, who was also a candidate, came second highest with 19,949 votes, but only one other on his ticket, the Republican ticket, was elected despite his large surplus. The Independent Republican elected, though not officially endorsed by any group, secured 6,729 first choice votes, receiving enough votes by transfer to reach the quota.

The proportional representation count of Cincinnati's votes occupied eight days, three days fewer than were required in her first P. R. count two years ago. The votes from the twenty-six wards were brought to a central counting place on the roof garden of a down-town hotel. The tellers were of a distinctly higher grade than those of two years ago. Outstanding features of the count were the tremendous surplus secured by the three leading candidates and the large first-choice vote received by the Independent candidate. The other candidates ran far behind, none being elected until the nineteenth count, when five received their quota through transfers. On the twentieth count the remaining candidate of the nine elected received his quota. Of the victorious nine, seven are in the present council, five charter men and two Repub-

licans. Cincinnati confidently looks forward to two more years of the type of government which has accomplished so much in the past two years.

LEONA KAMM.

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Illinois Cities Want More Home Rule.—Students of municipal affairs are familiar with the rising discontent among Illinois municipalities over the Illinois Commerce Commission and its regulation of local utilities. This dissatisfaction has now broadened into a full-fledged demand for constitutional home rule. These matters were made subjects of resolutions passed by the Illinois Municipal League at its recent annual convention. The resolutions were as follows:

That the Illinois Municipal League declares in favor of a constitutional grant of home rule to the municipalities of Illinois, which will enable them to exercise all reasonable powers of local self-government, and permit each municipality to frame and adopt such a plan of government as it may desire, and that to further this object the President of the League is hereby directed to appoint a committee of five to draft such constitutional provisions and promote the coöperation of all the municipalities of the State in presenting such proposals to and securing their approval by the General Assembly of Illinois.

That the Illinois Municipal League reaffirms its position with reference to local control of local public utilities, and declares it to be a settled belief of the League that the Illinois Public Utility Act should be so amended that cities, villages, and incorporated towns shall have power and authority upon a referendum to take over the control of all contracts and relations with local public utilities, including gas, electricity, heat, water, telephone and transportation utilities,—with reference to terms, rates and conditions of service within the corporate limits of such cities, villages and incorporated towns, and in such cases that the Illinois Commerce Commission shall be excluded from jurisdiction over such local public utilities.

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Farewell Testimonial to Dr. Hatton.—Dr. A. R. Hatton, who for twenty years held the stage in Cleveland as the college professor in politics, has resigned from the Cleveland city council and Western Reserve University to become professor of political science at Northwestern University. Dr. Hatton is probably best known to the readers of the REVIEW for his work as charter draftsman and his nation-wide advocacy of city manager government and proportional representation.

Last month the City Club of Cleveland gave Dr. Hatton a testimonial and farewell luncheon. The meeting was one of the largest of the year. In his address following the luncheon Dr. Hatton said, "The greatest danger to the continuance of effective city manager government in Cleveland is the unquestioned desire of the political bosses and some misled, but well-intentioned, citizens to kick out proportional representation."

The Cleveland *Plain Dealer* states that Dr. Hatton has served the community long and well in a variety of ways and that his parting advice constitutes another service to Cleveland.

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Stephen B. Story First City Manager of Rochester.—It was announced in advance by the councilmen-elect who took office on January 2 under Rochester's new charter that Stephen B. Story, director of the Bureau of Municipal Research of Rochester, would be appointed the first city manager at a salary of $20,000 per year. Mr. Story was the unanimous choice of the nine members of the council and is well known to many readers of the REVIEW by virtue of his position in the municipal research movement. He is exceptionally well fitted by experience and personality for the difficult task of starting Rochester along the right track of city management. Those who know him well feel a personal interest in his success, and those who do not may be assured that the new government will begin under most promising auspices.

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A Correction.—On page 740 of the November REVIEW it was stated that the Ohio legislature had passed an act making permanent registration for elections optional for Ohio cities with a population of more than 25,000. We now learn that this is incorrect, and apologize to our readers for the error. The truth is that the bill passed the General Assembly, but was vetoed by the governor after the two houses had adjourned *sine die* and there was no opportunity therefore for passage over his veto. The bill would have provided a new election code for the state.

NOTES ON PUBLIC PERSONNEL MANAGEMENT

BY FRED TELFORD

Director, Bureau of Public Personnel Administration

Personnel Legislation in 1927.—Public personnel administrators in general look upon the establishment of the merit system in Alameda county, California, in which Oakland is located, as the outstanding extension in 1927. The legislation was adopted in 1926, but the system was put into effect in 1927. The Alameda county commission has built up its staff, established records, made some progress toward the development of classification and compensation plans, held tests for a good many classes of positions, and established much of its procedure, though detailed rules have yet to be worked out.

As usual, a good deal of opposition has been encountered from those accustomed to receive patronage. When the tests were given for deputy sheriffs and an employment list established, the sheriff refused to replace twelve deputies who had either not been tested or had not secured places on the employment list high enough to justify their appointment and in the courts tested the right of the civil service commission to force their appointment. The courts upheld the commission and the sheriff finally made his appointments from the employment list, saying at the time that he had no reason to believe that the new employees would not be efficient but deploring his inability to choose deputies in whom he had personal confidence. At various times, too, the disgruntled individuals and groups have publicly found fault with the tests given, though from the point of view of technical soundness the Alameda county civil service commission has done unusually well for a new organization. There have also been more or less unfavorable news stories and editorial comments in some of the newspapers. On the whole, however, the new personnel agency seems to be quite firmly established with the end of the first year of operations.

Legislation has also provided for the establishment of the merit system to be administered through a civil service commission for Wayne county, in which Detroit is located. As yet little work has been done toward getting the new system established.

In most public jurisdictions where there is a central personnel agency there was little legislation of significance in 1927. Attempts to bring about by legislative means the extension of the merit system and improvement of its administration or to remove from the statute books existing legislation were in the main equally futile.

The legislation that probably attracted the most attention was that providing for the selection of prohibition enforcement officers in the federal service of the United States in accordance with the original civil service act of 1883. Though the legislation provides that the work must be done within six months after the passage of the act in March, the United States civil service commission made relatively little progress. The reason alleged was the failure of Congress to provide extra funds for this work; the commission held, despite its annual appropriations of a million dollars to do almost exclusive recruiting work, that it was unable to take on this extra burden. The commission asked for $200,000 additional appropriations to hold tests for filling 2,500 positions which, if allowed, would make these tests the most expensive ever held on a large scale in the United States. The commission did "borrow" $30,000 from its regular funds to use in getting the tests under way and has nearly completed the tests for some of the administrative classes of positions; at the time this is written (December 14) it is all but marking time waiting for the provision of funds through the passage of the deficiency appropriation bill that failed last March. The Better Government League, with headquarters in Washington, is opposing the appropriation on the ground that the commission should have been able to take on this additional work without additional funds, and that in any case $50,000 to $60,000 would be a reasonable amount for holding tests for filling 2,500 positions if special funds were provided.

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Classification and Compensation Studies.—Following a long delay, revised classification and compensation plans for some 12,000 positions in the Massachusetts state service have finally been put into effect through action by the governor and council. In the last half of 1926 a detailed

study was made by a group of technical experts; their report recommended extensive revisions in the classification in effect and also many increases in the compensation levels. During the 1927 session of the legislature an attempt was made to change the classification and compensation plan in many important respects, but this attempt failed. Finally the plans with some modification were put into effect by the governor and council.

At the November election in Cleveland the voters approved an additional tax levy for the purpose of adjusting and equalizing salaries. A new classification plan was put into effect more than a year ago, but at that time no adjustments in salaries were made. It is expected that police and fire officers will receive the bulk of the additional money provided in the new tax levy, but that equalizations will be made in the salaries for other classes of positions. The city council has appointed a commission to deal with the details of the matter.

In Detroit the classification worked out two years ago has now been made fully effective and the salaries of employees brought into line with the rates provided by the compensation plan. Practically no salaries are now outside the scales, and the practice of making salary adjustments in accordance with the scheme of administration for the compensation plan is becoming established.

In San Francisco neither classification nor compensation matters have as yet been worked out at all satisfactorily. A study was made two years ago, but a great deal of opposition to the original proposal developed and at that time no action was taken. The board of supervisors provided for an additional study which has been carried on by the civil service commission in coöperation with the San Francisco Bureau of Governmental Research. Although the new work was begun almost a year ago, there have been so many delays that the report is not yet ready. At the same time requests for additional salaries increasing payroll costs almost a quarter of a million dollars have been made by employees and individual supervisors. The Bureau of Governmental Research is recommending that no action on these requests be taken until the results of the study under way are made available and that then adjustments be made on the basis of the duties and responsibilities attached to the various positions rather than on the basis of the length of service of the employees holding the positions.

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Retirement Legislation.—In several jurisdictions action has been recently initiated intended to establish retirement plans for large and small groups of public employees. In the state of California a commission has been appointed to make a study of the whole situation and propose a plan for the state service. In Seattle facts are being secured and analyzed in an attempt to bring about agreement with regard to a plan to be proposed for legislative action. In New York City an attempt is being made to apply the general retirement plan to additional groups of positions and to bring about other changes. In the federal service of the United States, the question as to whether the federal government should begin providing funds for meeting its accruing obligations and whether the maximum annuity should be increased and a minimum annuity established are receiving attention.

In an executive order dated July 25 and made public August 8 by the department of state, a retirement and disability system for the consular and diplomatic members of the foreign service of the United States was established. The system provides for payments of 5 per cent of the basic salary and annuities on retirement ranging from 30 per cent of the final average salary for those who have served 15 to 18 years up to 60 per cent for those who have served 27 to 30 years. A system entirely separate from the general retirement system for federal employees is set up, adding one more to the number of separate units concerned with personnel matters in the federal service of the United States.

A retirement system for the civil servants of the province of Saskatchewan became effective in March. The system provides for contributions of 4 per cent of their salaries by employees. The retirement age is placed at 65 years for males and 60 years for females who have served continuously for 35 years or more; upon reaching the age of retirement, an employee may be continued a further period not exceeding five years. The amount of the retirement annuity is one-fiftieth of the average salary for the last three years of service multiplied by the number of years of continuous service, with a provision that the yearly allowance shall not in any case be less than $360 nor more than $2,000.